

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

VOLUME 14

SAN FRANCISCO, DECEMBER 1982

NUMBER 12

## The S.F.P.D. Police Academy

By Pat White  
Academy

It's now been three years since the big recruitment drive started and the Academy has been on Silver Avenue since 1979. We have had 891 recruits start the Academy and 736 hit the streets. The FTO (Field Training Officer) Program sifted out another 185 or so leaving a net result of 552 officers (resignations and terminations).

There have been some obvious good and bad results with the infusion of the new recruits, and during this process the Academy has improved drastically.

Most of the teachers at the Academy (although possessing a Calif. Teaching Credential) had not had extensive time in the classroom teaching. With three years of classroom experience most of the personnel are now excellent teachers. If I was teaching at the same level I was back in 1979 I would have left the Academy some time ago; I consider most of the teachers to be vastly improved over the level of competency that they performed at and one of our goals is constant steady improvement; Lets look at several areas:

### 1. Testing - Now conducted by Sergeant Donald Carlson

This is an example of one of the areas of the Academy that is vastly improved. New testing procedures have been implemented and remediation of recruits along with constant upgrading of test questions has made this one of our better training procedures. (Many 5-10 year patrolmen would be surprised to know that most of the questions on the practice Sergeant's Exam were exam questions given to the recruits). Failures in the Academy were almost non-existent, but not anymore.

### 2. Driver Training - Glenn Pennebaker

Glenn has constantly upgraded the course and with the addition of Gabe Harp, Joe Zamagni, and Al Bernardi, has turned this segment into a top notch driver training class. Where everyone used to pass, many

continued on page 9

## RETRACTION EXAMINATION OUTRAGE

It has come to the attention of the Editor that some statements in the article, "Examination Outrage" by Lieutenant Roger W. Maloney, October, 1982, are misleading and are not fair and true statements regarding the 1981 San Francisco Police Captain Promotional Examination. Specifically, no report or document was released by the IX International Congress on the Assessment Center Method or published in the Journal of Assessment Center Technology which indicated that Dennis A. Joiner's design of the Police Captain Assessment Center might be vulnerable to challenges of validity or contamination.

The report mentioned in the last paragraph of Lt. Maloney's article was prepared by Sgt. Ron Vernali, who attended the IX International Congress and submitted a written report to the Police Officer's Association entitled "Assessment Center Technology." Sgt. Vernali report offered his opinion regarding challenges to the Captain's Assessment Center.

## IRS: DISABILITY PENSIONS

By Mike Hebel  
Welfare Officer  
Attorney At Law

A large number of retired (industrial disability retirement) police officers and firefighters from San Francisco have had their tax returns audited and examined by agents of the Internal Revenue Service. These audits have now involved police officers and firefighters who are residing throughout the State of California who have excluded all of their industrial disability retirement benefits from their taxable income under Section 104 (a)(1) of the Internal Revenue Code. The Internal Revenue Service has taken the firm position that its agents must strictly follow the holdings of Revenue Rulings 72-44 and 80-44 in determining the taxability of industrial disability benefits. The aggressive position of the Internal Revenue Service in California with regard to the taxability of industrial disability retirements requires a new strategy and preparation of the 1982 U.S. form 1040, "individual income tax returns" and in defending audits of prior returns.

Beginning on January 1, 1983, the tax laws (Tax Equity and Fiscal Responsibility Act of 1982) require that federal income taxes be withheld from most pensions unless the recipient elects not to have any taxes withheld. The new withholding provisions should be considered in connection with the taxability of industrial disability benefits. More information on this withholding requirement will be provided by the Retirement System.

### THE LAW

The Internal Revenue Service is relying on its Revenue Ruling 72-44 and more recently on Revenue Ruling 80-44 in order to tax a certain portion of San Francisco police officer's and firefighter's industrial disability retirements. The first ruling discusses the tax treatment of amounts received under various circumstances by disabled fireman of the Firemen's Pension and Relief Fund of the City of New Orleans. It concludes that payments received under the Pension and Relief Fund by a firefighter from New Orleans 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 firefighter who has 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 the salary at the date of disability retirement in the case of a firefighter who had completed 20 years or more of service. The second ruling restates the principles applied to the New Orleans case.



### APPLICATION TO SAN FRANCISCO

The rationale of these Revenue Rulings is now being applied in the State of California to police officers and firefighters who receive industrial disability retirement payments. In essence, the rulings hold that if a police officer or firefighter received an industrial disability retirement prior to the date that he or she was eligible for a service retirement, all monies received from the Retirement System are excludable from gross income under Section 104 (a)(1) of the Internal Revenue Code. However when the firefighter or police officer, who left the police/fire service after 1969, because of an occupational disability becomes eligible for a service retirement (25 years of service and age 50 in San Francisco) that portion of the payment which is (1) attributed to age and years of service and (2) is in excess of the industrial disability retirement (50-90%) 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 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 the amount of money than being received by a police officer. The IRS takes the position that the additional 5% is based on age and length of service (and not on disability) and therefore does not meet the

continued on back page

## DEADLINE MOVED-UP

Deadline for articles for the January issue of The Policeman is Wednesday, December 29, 1982.

The election for officers will take place in the fourth week of January. All candidates for office should submit a photo and a short article about themselves on or before Dec. 29, 1982 if you want the material to appear in the January Policeman.

Editor

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# Widows & Orphans

The regular monthly meeting was called to order by Pres. Barney Becker, Wednesday, November 17, 1982 at 2:05 P.M. in the Traffic Bureau Assembly Room, Hall of Justice. Trustees Hurley & Lennon excused. All other Officers and Trustees present. Among other members present/ Jr. P. Present J. Sturken and P. Pres. G. Jeffery.

Minutes were approved as presented to the membership.

**NEW MEMBER:** Motion McKee/2nd Jeffery that **MARTIN DITO** be accepted as a new member-**APPROVED.**

**Secretary reported the following donation:**

**MRS. JAMES MURRAY** - in memory of her husband **LT. JAMES MURRAY** and her son Patrolman **LLOYD ENMARK.**

**COMMUNICATIONS:** Secty. read letter received from John Farrell, Controller City & County in answer to letter sent by Secty. complaining of the lateness in receiving payroll deductions. Mr. Farrell stated that all efforts are being made to correct this matter and he felt that the same would be corrected within the next several months. A new system is being installed which can be handled by any one in the office, instead of designating one person to handle the distribution of deductions.

Treasurer Bill Parenti reported the following deaths:

**ROBERT DAVIS:** Born in S.F. in 1901, Bob entered the Department in 1930 at age 29, after working as Federal Agent. Assigned to Headquarters, working principally in radio cars — alternating to various stations — for 7 years he was transferred to Traffic Bureau working Fixed **POST.** After several years at Co. K, Bob was transferred to Ingleside, then to Taraval, returning to Co. K after being appointed a Sergeant in 1949. In 1951 was assigned to Richmond Station, then in 1962 went to Northern where he remained until his retirement from service in 1963. Bob received a Capt. Comm. for arrest of two burglary suspects in 1953. He was 81 at the time of his death.

**EDWARD H. MCGIVNEY:** Born in San Francisco in 1907, Ed became a member of the Department in 1934, age 26, after working as a bookkeeper. He worked the various district stations until assigned to the Chief's Office in 1939. After enlisting in The Navy, Shore Patrol, Ed was granted Military leave from 1942 thru 1946. He

returned to the **DEPARTMENT** was assigned to Park Station where he worked until he resigned in 1947 to become a Parol Officer with the California State Parol Board. Ed was 74 at the time of his death.

**DONALD J. SARMENT:** Born in Tulare, Don worked for the Tulare P.D. before becoming a member of S.F.P.D. in 1961 at age 35. He worked at the City Prison for 3 years and was transferred to Ingleside. Don was granted a disability retirement in 1967, age 43, for a heart condition. Don was awarded a 3rd Grade Meritorious for arrest of an armed suspect on a Muni bus. He was a young 57 at the time of his death.

The regular bills were presented by the Treasurer and approved by the membership.

**TRUSTEES REPORT:** Miss Minuth - Hibernia Bank - reported on the "State of the economy" and as Pres. Reagan expressed it "it is in a hell of a Mess." No real reason for the sudden advance of the Market as the Gross Nat'l. Production has not increased, inflation is still with us, the building business is still in the doldrums etc. Miss Minuth made the following recommendations to the Trustees — Sell 500 shares of PepsiCo, also partial holdings of Wang, Hewlett Packard, and Pfizer. Purchase Key Pharmaceuticals, Revco, and Louisiana Land/Exp. All above approved by Trustees.

**UNFINISHED BUSINESS:** Motion McKee/2nd Kurpinsky that **ART IV, SEC. I** be amended to increase death benefit from \$6,500 to \$7,000, effective January 1, 1983. This second reading was unanimously approved and the above change will be effective 1/1/83.

**NEW BUSINESS:** After call for nomination by the President the following were nominated for the respective Offices - **PRESIDENT - WILLIAM HARDEMAN, VICE PRESIDENT - MICHAEL LENNON, TRUSTEES - GEORGE JEFFERY, MICHAEL KEMMITT, ROBERT KURPINSKY.**

**GOOD OF THE ASSOCIATION:** Members are advised that the next regular monthly meeting will be held December 15, 1982, at 2:00 P.M. in the Traffic Bureau Assembly Room. There being no further business to come before the membership; the meeting was adjourned at 2:45 P.M. in memory of the above departed Brothers.

Fraternally,  
Bob McKee,  
Secretary



## POLICE POST #456 NEWS

Another year is winding down as the saying goes, "Time waits for no man." Police Post 456 lost lots of good men this year. To their loved ones we extend our deepest sympathy. We have so much to be thankful for and it is up to the living to carry on. To the dolls at the P.O.A. office (Louise, Laverne and Yvonne) our deepest thanks for their invaluable help this past year.

We keep on harping about paying dues, but this is the life blood of our organization. This supports all of our worthwhile causes. If you haven't paid your dues yet, please get them in. Police Post 456 has always been known as a front-runner, but we cannot continue without your support.

Be watchful for the other driver as the holidays approach. We want all of you to be around next year. The wish of Police Post 456 is that everyone enjoys a joyous holiday season and may the best of this year be the worst of next.

Till next issue, keep smiling, and may God hold you in the palm of his hand.

Your Scribe  
John A. Russell

# AL PHILLIPS RAFFLE WINNERS

Wednesday evening, December 1st, the drawing was held at the POA Hall for the lucky winners of the \$15,00 fund-raiser raffle to aid Al Phillips of Park Police Station.

Last July Al was home, and woke up on fire. He suffered 1st, 2nd and 3rd degree burns over 40% of his body. Thanks to the tremendous work at the San Francisco Burn Intensive Care Unit, Al is alive today. During his recovery he also had to fight off other body diseases, pneumonia and the like.

But today he is functioning in a special body suit he has to wear 23 out of every 24 hours. Mike Pera and many other officers at Park Station put together an excellent raffle to raise some money for Al.

The prizes you will read below are dinners, liquor, breakfasts, beef and 49er tickets. A special thanks to all donors, and of course, many thanks to all who

bought tickets. Your money was well spent.

1. Gift certifies to the Blue Fox Restaurant; Gabe Gallaread, Co. F.
2. Dinners at the Cliff Hotel; Eric Neff, Co. A.
3. Gift certificates for Ernie's Restaurant; Mrs. James Murray, S.F.
4. Night's lodging at the Fairmont Hotel; Anthony Carreon, Co. D.
5. Gift certificates to Fisherman's Grotto #9; Lyle Johnson, San Bruno.
6. Gift certificates to Fleur D'Lys; J. Totah, San Francisco.
7. Case of liquor from Al Graf; H. Lemmer, Colma.
8. 3 Days & 2 Nights at Harvey's Lake Tahoe; Peter Gorman, Mayor's office.
9. Case of Liquor from the Hearth; Dana Sheridan, Co. B.
10. Sunday brunch at the Hyatt Regency; Bill Harde- man, IAB.
11. Dinners for two at the Hyatt Regency; Bob Hansell, Prop. Clerk.
12. Dinners at the Imperial Palace; Franklin Wong, San Francisco.
13. Dinners at L'Etoile; John Flaherty, Co. E.
14. Hindquarter of Beef; Greg Corrales, Co. A.
15. Dinner for two, and one night's lodging at the St. Francis; Rene LaPrevotte, Narcotics.
16. Two tickets to the 49ers vs. San Diego Game, Park- ing Pass and Dinner afterward; Jack Reamey, San Francisco.
17. Clock radio from Gurnick's; Melinda Pengel, Hon- das

From Park Station, thanks to all who participated, and congratulations to the winners. We raised over \$15,000 for Al. Good show.

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Members or readers submitting letters to the editor are requested to observe these simple rules:

- 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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# PRESIDENT'S REPORT



by **BOB BARRY**

## SLASH THE DUES AND LOCK THE DOORS A TRAVESTY IN THE MAKING

One hundred and fifty-three (153) POA members, primarily from the Hall of Justice, recently signed a petition to reduce the POA dues by forty percent (40%). This petition was submitted to the Secretary for publication in the Policeman and will be voted on by the membership during the January election period.

If passed by a majority of the membership, there is absolutely no doubt that our organization, which has taken years to build into a strong viable Association will begin to crumble instantly.

Our purpose for existing should be clear to us all — to provide our membership with the best possible representation in all areas of working conditions and benefits. Reducing the revenue will destroy these goals.

Such representation which has been on-going for many years includes, but by no means limited to the following:

Internal Affairs, disciplinary matters before the Chief and Police Commission, which may result in suspension or termination, on-duty allegation of criminal misconduct at the state and federal levels, as well as representation in civil rights allegations which may result in criminal charges by indictment. These defenses, which are the absolute basic foundation of our very existence are by no means provided without adequate funding. It takes revenue to provide these services to our members, and without it — our job security, our rights and yes — even our dignity are truly in serious jeopardy.

We must also have the immediate ability (which we presently have) to institute civil lawsuits to protect us from reductions in salary and other basic benefits which have occurred in the past and which we have prevailed in the courts. Two (2) such suits, which are fresh in the minds of us all, and which there are many others, involve wage suits totalling \$17 million. The POA initiated and won those suits. Again, without the required revenue to pursue such cases, we might just as well stick our heads in the sand and let the Administration and City Hall totally dismantle all the gains we have made over the years. They're already waiting in the wings sharpening the blades, for if this reduction occurs, our effectiveness will diminish and we, the organization of 1,971 members will be the losers — not the Administration, not City Hall and not the citizens of San Francisco — US!

Surely there are many members that disagree with this expenditure or that, but to advocate the dismantling of the organization, which this is tantamount to is a travesty that will only serve the very few, that at the present time feel very secure in their little glass houses.

I urge all members to reflect on our past and to remember from whence we came, and to envision what the future holds for us all and to soundly reject this ill-conceived proposal.

Your elected representatives throughout our history have never had all the right answers, nor have we ever had a total consensus of each endeavor that has been pursued, but there is one thing that I am quite certain of, and that is the majority of your representatives are committed to serving your interests — not their own. We can't do it with an empty bankbook.

# SGT'S COMMITTEE FOR A VALID LIEUTENANTS EXAMINATION

A lawsuit has been filed in Superior Court challenging the validity of the written portion (Phase I) of the Q60 Lieutenant's Examination as a testing instrument. The members of the Sergeants' Committee for a Valid Lieutenants' Examination also requested an injunction against any further testing.

We regret any undue hardship that we may cause to any department member who may actively be preparing

himself/herself for a promotional examination, whatever the rank.

We firmly believe that the process that we have experienced in Phase I of the examination is inherently unfair and must be challenged. Should it not be challenged, it could adversely affect all future promotional examinations.

David J. Bowman

## P.I.G.

By Roy Sullivan

On Wednesday December 1, 1982 the Promotional Information Group held its third practice test at the Police Academy. The test consisted of approximately 45 questions (submitted by interested Q2's or Q50's), on both the Department General Orders & Training Bulletins. Again, nearly 100 prospective candidates took a shot at testing their knowledge.

P.I.G. will take a break from practice tests in January due to the holidays but plan to pick it up again in February.

The tentative schedule of events for the new year for P.I.G. includes another test (in Feb.) with a topic to be determined. Also planned are two seminars, the first, by D.A. Bill Fazio will be on the test scope when it comes out. The seminar's date depends on when the scope is published. It is planned to be approximately 20 hrs. in length and have a cost of approx. \$50.00.

The second seminar (date to be determined) is entitled "From Cop to Boss" & "Sergeants Tactical Decisions," will follow soon after the first.

Lastly, as of this writing, it appears that the attorneys to the parties of the consent decree have signed an agreement that states a person must have 3 yrs. in the job as of June 1st, 1983 to be eligible to take the Q50 or Q35 test. An information bulletin from the department is planned to state this fact, along with a statement reaffirming the department's commitment to have tests and make appointments to Q50 and Q35 prior to Aug. 1983.

## The Police Yearbook

The books arrived at the POA on November 15th. To date about 500 books have been picked up at the POA office. Some requests have been made to have the book mailed to out-of-town addresses. Unfortunately, the cost is an additional \$3.10 per book (padded envelope, postage, return receipt and insurance).

Please try to arrange for a friend or relative to pick up your book if you can't respond in person, but we do require an 151 receipt, or your cancelled check or a change receipt or statement.

Of the extra 100 books ordered, forty have been sold to date. The prices are \$30 for an SFPD member and \$35 for non-members.

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**Emma Scallon**  
SALES MANAGER

# AROUND THE DEPARTMENT

by Al Casciato

...Attention Veterans: On Thursday, January 6, 1983, S.F. Police Post 456 will host a dinner at the Italian American Hall, 25 Russia Street to welcome the National Commander of the American Legion, Al Keller, Jr. Tickets are \$12.50 and available at the Muni Transit, Tactical and P.O.A. offices. Also available at those locations are applications for those desiring to join the Legion. Dues are \$15 per year...

As Sgt. Al Perini of Co. A began reading the 4 o'clock orders to the watch on his perpetual 39th birthday, he must have wondered sadly, "Has everyone forgotten?" But midway through the orders the assembly room doors burst open, through which a belly dancer emerged. In finest Co. A fashion, Al had been delivered a memorable birthday gift from the members of his watch...

...Inspector Paul Chignell, Auto Detail, received 46% of the vote in this November's Assembly race against Assemblyman William Filante in Marin County. Paul has already begun campaigning for 1984 and is busily addressing community groups and organizations in Marin and Southern Sonoma Counties...

...Lil' people arrivals haven't slacked off. Reporting from Mission Station, Lil' John Carlin Hallisy, 7 lbs. 13 oz. reports that he's being well cared for by Sue and Dan, aka Mom and Dad. Also, Uncle's John Carlin, Co. A and John Hallisy, Co. F, as well as Aunt Sheila Hallisy, F.O.B., are pitching in to make him as comfortable as possible. Out Ingleside way, Jim and JoAnn Murphy are busy attending to Lil' Lady Kelly Ann, 6 lbs. 7 oz. Also attending to Kelly's needs are Uncle Bob Porter, Co. E and proud Grandpa Bil Porter, Retired Co. A. From the Big Apple Co. A, comes the announcement that Tom and Gayle Srock have been blessed with the arrival of Jennifer Nicole, 10 lbs. 1 oz. All moms and little people are doing fine while dads, uncles and grandpas continue to celebrate. Congrats to all...

...New name for the South of Market. Rich Benjamin, Co. A, is predicting that the name South Beach will take hold in the area now known as the South of Market. Rich bases his prediction in that his mother Elsie's Restaurant, located at 2nd and Folsom has adopted the slogan "The finest cafe in South Beach" and plans to rival North Beach cafes for the theater crowds. Being a block away from the convention center, Rich might just be right...

...Well, here's a picture of the 151st Recruit Class

pretending to be West Point graduates at their final formation...



...A little nostalgia. Going through some old papers, my neighbor George Boitano found some old department memorabilia reprinted here for you:

San Francisco Police Dept. 1943, Designations Districts: Central, A; Southern, B; Harbor, C; Mission, D; Northern, E; G.G. Park, F; Richmond, G; Ingleside, H; and Taraval, I.

Companies: Central, A; Southern, B; Harbor, C; Mission, D; Northern, E; G.G. Park, F; Richmond, G; Ingleside, H; Taraval, I; and Traffic Bureau, K.

November 1, 1948 Radio Calls Station KGPD 2466 KC - Cars 39,380 KC (FM):

### RADIO CALLS STATION KGPD 2466 KC— CARS 39,380 KC (FM)

- 100—Go to Station. All cars
- 200—In service
- 201—Out of service
- 201M—Out of service—meals
- 288—Crimes against children
- 311—Indecent exposure
- 404—Riot
- 405—Citizen holding prisoner
- 406—Officer needs assistance
- 415—Barking dog
- 416—Noisy radio or party
- 417—Man ringing doorbells (begging, etc.)
- 418—Fist fight or family fight (no weapons)
- 419—Serious disturbance (may be felony)
- 502—Drunk driver
- 518—Auto accident (property damage)
- 519—Auto accident (personal injury)
- 520—Accident (not auto)
- 527—Bonfire
- 528—Still alarm
- 586—Traffic congestion
- 587—Tag auto on sidewalk
- 588—Tag auto parked in loading zone
- 589—Tag auto in garage entrance
- 596—Abandoned auto
- 597—Possible stolen car
- 598—Man tampering with auto
- 599—Investigate suspicious occupants of auto
- 600—Immediate assistance required
- 800—Alleged insane person

- 801—Person attempting suicide
  - 802—Coroner's case
  - 804—Kites
  - 805—Ball playing in streets
  - 806—BB gun, slingshots, etc.
  - 807—Children in building under construction
  - 811—Drunk in street
  - 812—Drunk in residence
  - 813—Drunk in place of business
  - 814—Drunk in auto
  - 819—Drunk rolling in progress
  - 901—Call station
  - 902—Go to station
  - 903—Close signal box
  - 904—Meet an officer
  - 906—Interview a woman
  - 909—Interview a man
  - 911—Broken window
  - 912—Person dumping rubbish
  - 913—Investigate—complaint unknown
  - 914—Person lying in street
  - 916—Investigate suspicious man
  - 917—Investigate suspicious men
  - 918—Person screaming for help
  - 1000—Plane crash
  - 2000—Prison break or escaped prisoner
- X on any report means a woman is involved.  
Remain in service on calls.....415, 527, 587, 588, 589, 596, 804, 805, 806, 807, 901, 902, 903, 912. All other calls are out of service. Car No. 12 in all companies is the patrol wagon.

MERRY CHRISTMAS AND HAPPY NEW YEAR

## In My Opinion

by Ed Collins

"What the country needs is a good 5¢ cigar." This statement, although apparently bold, was made by a basically mouse type person. The 5¢ cigar line is the kind of ineffectual, harmless, trueism one hears so often from people who are genuinely afraid to come out with really interesting, injurious, lies.

Any basically mouse type person can say that this country needs more religion, less racial prejudice, better education, and roughage. This is not to say I disagree with those things, on the contrary, I wholeheartedly agree. And, while I'm in agreement with most mouse types, I must carry on beyond their silly niceties and get to the unpleasant needs of America.

What this country needs is; cheaper, whiskey, another N.F.L. strike, Cold tubs, stronger deodorants, all rat baloney, rock salt in its breeches, and breath mints.

My favorite Non-mouse type person was Marie Antoinette. This courageous woman has, for centuries, been maligned by envious, cowardly, persons who continue to misquote her. She didn't say, "Love thy neighbor," she didn't say, "Power to the people," and she sure didn't say, "Let them eat cake." NO! NO! NO! She said, "For a nickle they should smoke havanas."



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# In 6 months, civilians (not cops), will hear when cops goof up

By Larry Maatz  
Examiner staff writer

While the San Francisco Police Commission deals with a four-fold increase in disciplinary cases, the police department it oversees is preparing to hand over the reins of its Internal Affairs Bureau to a team of civilian investigators headed by a civilian director.

Within the next few weeks, the almost 2-1 vote for Proposition A — aimed at replacing the present IAB with an Office of Civilian Complaints — will be certified and recorded by the Secretary of State and returned to the Board of Supervisors as law.

It will take as long as six months before the measure is implemented. A civilian director must be found and appointed, civilian investigators recruited, hired and trained, procedures and investigative criteria agreed upon and the relationship between the OCC, the Police Department and the Police Commission formalized.

Supervisor Harry Britt, one of the principal backers of the proposition, agrees that the OCC will not become a reality overnight.

"There's going to have to be a certain amount of bureaucratic procedure to go through," he says. "People are going to have to be patient because it's going to take a while to get the machinery in place."

But it will be months, possibly years, before the effect of the proposition can be measured.

One thing is clear — the change will reduce The City's budgetary priority for the investigation of cases of alleged police misbehavior by more than one-third — from slightly more than \$1 million to less than \$650,000. It will also reduce the number of investigators assigned to the task by almost one-half — from 12 police sergeant/inspectors to no more than seven civilians.

The measure will not change the ultimate authority in matters pertaining to police misconduct. All cases will still be submitted to Police Chief Cornelius Murphy for action, and will be dealt with at his discretion. That means either handled at a chief's hearing, which can hand out an admonishment or up to a 10-day suspension without pay, or referred to a full hearing before the Police Commission for possible longer suspensions or termination.

"The only real change is going to be that our investigators (the sergeant/inspectors) are going to be replaced with civilians," says IAB Commander Richard Trueb, "and I will be replaced with a civilian director."

"But the process through which the complaints will pass will remain the same."

A smaller version of the IAB will still exist within the department. It will conduct departmental investigations of violations of the rules and procedures initiated by police administrators, or complaints by other police officers. All charges of excessive force or brutality, however, will be handled by the new civilian unit. Charges of criminal behavior, as before, will be investigated by the Police Department's Bureau of Investigations.

Britt has remained adamant that a civilian investigative body will be more effective in curbing police misbehavior than the current, police-staffed unit.

Others, including police administrators and some supporters of Proposition A, disagree.

"The biggest headache for the new unit is going to be the budgetary restriction," says Trueb. "Under the charter, the way the proposition was structured, the budget for the new unit is going to remain at approximately \$645,000, adjusted for inflation. That's going to dictate the number of staff, the scope of their activities. They're going to have half the investigators we have, and they're going to run into serious problems when the time comes for capital improvements, equipment, additional support services."

"I expect the rate of sustained complaints to go down," Trueb says. "I don't really think that civilian investigators are going to be as effective as police officers when it comes to investigating police officers. Frankly, I can't see how it could be more effective."

"It (the civilian unit) is going to be bound by the same rules and procedures as we are, they're going to be dealing with more complaints as the public responds to what they perceive as a more receptive body, and they're going to have a smaller staff to deal with problems."

Chief Murphy, who opposed the measure, as did Mayor Feinstein, remains opposed to the idea of civilian investigators, although he has vowed to offer his department's full backing to the proposal since the election. "It's clear that that's what the public wants," he says. "And that's who we work for."

"I don't think it will be as effective in dealing with police misconduct as our current system," he says. "But if it fails, it's not going to fail because we didn't support it. We're going to give the new unit all the cooperation we can."

Trueb expects the complaint procedure to remain the same:

Citizens with complaints of police misbehavior will file them in person at either the Hall of Justice or at a civilian complaint center or by telephone and will then meet with an investigator who will review the complaint.

In the majority of cases, the complaint will be handled at that level — either refuted in one manner or another, or dealt with by contacting the offending officer's commanding officer with a recommendation for counseling, admonishment or other action. The recommendation of the initial investigator will be monitored and subject to review by a supervisor.

If the case appears to warrant it, a full investigation will be initiated, testimony will be taken, a finding will be made and a recommendation for disciplinary action will be passed on to the chief's office if appropriate.

In the third quarter of this year, which ended Sept. 30, the present IAB processed 480 civilian complaints. Of that number, 380 were disposed of at the preliminary investigative level, 100 were assigned to sergeant/inspectors for a full investigation. Eleven of those cases were sustained and passed on to the chief for further action.

"I don't think that a civilian body is going to change that number," Trueb says. "They're going to be bound by the same investigative criteria, the same rules and procedures that we are. And they're going to have the same problem with public credibility that we have. We cannot, as a matter of law, discuss the details of any investigations with the public. We cannot explain to anyone why a particular complaint did not result in disciplinary action. We cannot now, and they're not going to be able to either."

The state Penal Code severely restricts the release of any police personnel data.

Other supporters of Proposition A, like Britt, look forward to a civilian investigative bureau, but for different reasons.

"There is no question but what we (the individual police officers) are going to fare a lot better under the new system," says Sgt. Jack Ballentine, a director of the San Francisco Police Officers Association, and head of the department's psychiatric service unit. He is also the officer in charge of the SFPD's stress program, which counsels and monitors officers with job-related stress disorders, many of whom face disciplinary action of one form or another.

He was also in the forefront of the move by the POA Board of Directors not to oppose Proposition A during the fall campaign. The board did not support the measure either.

"You've got to remember who opposed Proposition A," Ballentine says. "It wasn't the cops. It was the mayor and the chief of police. The mayor didn't want it because it cut into her political control of the department, and the chief didn't want it because it cut into his administrative control. We (the individual police officers) don't have anything to lose with a civilian unit, but they do."

"As a practical matter," he says, "experience across the country has shown — in Philadelphia, Detroit,

Berkeley and Oakland — that departments with civilian versions of the IAB have sustained fewer complaints against individual officers than traditional IABs, and have, as a rule, recommended lighter disciplinary action in the cases they do sustain.

"Civilians just aren't as effective as cops when it comes to investigating other cops."

But that, Ballentine says, is not the real issue, or the reason the POA chose not to oppose the measure.

"You've got to realize exactly what the present IAB is — what most IAB's are — they exist as a political action arm of the chief's office — to keep his skirts clean — to make sure that he's not embarrassed. If the chief wants something done — somebody fired — he just keeps on sending back the report until he gets the investigative results that he wants. And if those people serve at the pleasure of the chief, and if they don't give him what he wants, he'll just replace them with some people who will."

"We're going to fare better under the new system. I'm sure of it. I think that civilians are going to be more sensitive to the real problems — job pressure and stress that lead to drinking problems, behavioral problems."

"Con Murphy is one of the great public relations masters of all time. He's got the troops in the field convinced that he's a member of the old Irish Mafia, a benevolent member of the police brotherhood, while in actuality he's the toughest chief on disciplinary matters in the history of the department."

"He doesn't want to be embarrassed, he doesn't want the mayor to be embarrassed — and if you're a cop and you embarrass either one of them he's going to have your ass. Anybody who thinks that a group of civilian investigators working for a civilian director is going to be any tougher on the cops in this department than Con Murphy's Internal Affairs Bureau needs their head examined."

Ballentine says he expects that situation to change when civilians replace the police officers who staff the present IAB.

"The new unit, lacking that direct link to the chief, is a lot more likely to look at the underlying reasons for a cop's misbehavior, take a more benevolent view, recommend counseling if needed, not be as politically motivated."

Trueb has indicated that the exact relationship between the new civilian unit and the chief's office is yet to be worked out. "The chief is going to have to have a large measure of control over the process if it's going to be an effective administrative tool," Trueb says. "But we're not sure yet quite how it's going to work."

Ballentine says he hopes that control is as minimal as possible.

"This chief wants to know about any cop who might be an embarrassment to him, then he puts it to the commission with a recommendation to fire the cop if he thinks he can get away with it, or if he can't get that, hits the cop with a suspension so hard that he'll never forget it."

"A six-month suspension for a veteran police officer — say a sergeant or an inspector — amounts to a fine of about \$18,000."

"And Murphy recommends penalties like that for taking a drink while in uniform — not getting drunk and misbehaving — just taking a drink with dinner."

"I'm not saying that any of us should be drinking on duty, and I'm not saying that those of us who do shouldn't be taken to task for it. But an \$18,000 fine to an officer with a family to support? I think that's a little much."

"I suspect that civilians might take a more benevolent view at the investigative level. Frankly, I'm looking forward to the new unit, and I think that most police officers who have paid any attention to the process are looking forward to it with me."

Reprinted from S.F. Examiner, Wed., Dec. 1, 1982

  
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# CONSENT DECREE DOINGS

FROM: NATHANIEL TRIVES, AUDITOR/MONITOR

**SUBJECT: Approval of recommended cutoff score for Q-2 E-98 examination and cutoff date for determining eligibility to take the Q-35/Q-50 examinations**

The following two motions were unanimously passed by those present at today's regular meeting of the parties:

1. Moved/seconded/passed that the Consent Decree Coordinator's recommended cutoff score for the Q-2 E-98 Administration of the Audio-Visual/Written Examination be 66% (See attached memorandum "Cut-off Score for E-98 Administration of the Q-2, Police Officer Audio-Visual/Written Examination" dated 11-18-82 and
2. Moved/seconded/passed that anyone entering the San Francisco Police Department prior to June 1, 1980 be eligible to apply for the upcoming Q-35/Q-50 examinations (See attached memorandum "Q-50/Q-35 Examinations dated 11-18-82).

The motions included a recommended waiver of the ten-day review period. The Auditor/Monitor urges all counsel to submit their written approval or objections

## PDS Expands Northern California Operation

In July of this year PDS opened a new marketing and service office in San Rafael. As a result eleven (11) new dental offices have been added to provide more convenience to existing and new enrollees. The list of dental offices currently out does not reflect these new offices but the next printing will. In the meantime, the following are the new offices which can be selected by new enrollees:

|      |             |                     |               |
|------|-------------|---------------------|---------------|
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| #412 | Gilroy      | 6950 Chestnut       | Dr. Vincent   |
| #514 | Novato      | 1730 Novato Blvd.   | Dr. Hoshiyama |
| #512 | Oakland     | 2832 Summit St.     | Dr. Cornell   |
| #517 | Rodeo       | 665 Parker Ave.     | Drs. Porteous |
| #XXX | San Leandro | 151 Callan Ave.     | Drs. Kong     |
| #507 | Santa Rosa  | 4591 Sonoma Highway | Dr. Chase     |
| #518 | Santa Rosa  | 4655 Hoen Ave.      | Dr. Kroncke   |
| #509 | Sebastopol  | 568 Petaluma Ave.   | Dr. Tharp     |
| #472 | Sonoma      | 382 Perkins St.     | Dr. Scoggins  |
| #508 | Vallejo     | 150 Hospital Drive  | Dr. Edziak    |

If you are already enrolled in the PDS program and would find it more convenient to use one of the new dental offices, please call our Irvine office and request a transfer. The toll free number is (800) 432-8443. If you are not currently enrolled with PDS and would like enrollment information, call 665-9181.



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**Subject:**

**1. Cut-Off Score for E-98 Administration of the Q-2, Police Officer Audio-Visual/Written Examination**

The Consent Decree Division's proposed cut-off score for the E-98 administration of the Q-2, Police Officer audio-visual/written examination is presented for your review and recommendation. The size of the candidate pool at the proposed cut-off score diverges from the December 30, 1981 court order, and, perhaps, what I perceive to be the prevailing view of the Consent Decree parties. For that reason, this proposal requires review by the Parties and, if not resolved at that level by Judge Peckham.

The December 30, 1981 order requires a "targeted recruitment effort" and a continuous examination program with applicant pools to be restricted to 450-500 applicants. For the E-98 recruitment effort, which was a multimedia "saturation" approach, two (2) days were set aside for receiving applications. (It was necessary to publicize concrete application filing dates to avoid turning away interested individuals). Two days were thought to be sufficient to recruit the required number of applicants and, if it were not, it could be extended.

Because no recruitment effort of this magnitude or sophistication had been previously undertaken, it was not possible to accurately predict the response it ultimately generated. Applications were received from 1912 individuals during the filing period. This number exceeds what is prescribed by the December 30, 1981 order; however, given the advertised filing period and the representation of women (44.6%) and minorities (56.2%) in the applicant pool, it seemed appropriate to test all applicants, as opposed to creating artificial, retroactive cut-off dates.

Women represent 44.9% (507/1129) of the applicants participating in the E-98 audio-visual/written examination. Therefore, they participated at a rate proportional to their representation in the original applicant pool. This dramatically deviates from past administrations which experienced disproportional attrition of women applicants.

The E-98 candidate pool as a whole attained higher scores than previous candidate pools. This is evidenced by the fact that 72% of the E-98 pool scored 70% or better. Women as a group attained higher scores than their male counterparts. This is consistent with past administrations of the examination.

The effect of the large number of women in the overall pool, coupled with their superior performance, resulted in adverse impact against minorities which is not ameliorated until a test score of 66% is reached.

The Consent Decree Division proposes that a cut-off score of 66% be utilized which results in the candidate pool demographics displayed on the table appended to this report. The 66% cut-off score is advocated for the following reasons:

(1) Women would comprise 46.34% (411/887) of the candidate pool. They represent 51% of the candidates in the highest scoring quartile and are otherwise fairly distributed throughout the entire range of scores.

The Auditor/Monitor's 3rd Quarter Report indicates that there is currently an adverse impact against women vis-a-vis the 20% mandated Consent Decree goal.

(2) The 66% cut-off score results in no violation of the 80% rule and thus no prima facie evidence of adverse impact on minorities. Of the 887 passing candidates, 49.15% (436/887) are minorities which approximates the 50% mandated Consent Decree goal.

The Auditor/Monitor's 3rd Quarter Report indicates that there is currently no violation of the 80% rule vis-a-vis the 50% goal for minorities.

The Consent Decree parties should be aware that an 887 candidate pool may result in a list of 650 to 750 eligibles; contingent on the attrition rate and pass mark relative to the oral examination component. The E-98

eligible list would be sufficient to fill the 350-400 anticipated vacancies during the next two (2) years. Therefore, the E-99 Q-2 examination would not be conducted until approximately 18 months after the adoption of E-98 in anticipation of its expiration.

This would provide the Consent Decree Division Examination Unit a much needed respite from the labor intensive Q-2 examination program. The staff could then devote more energies toward the promotional examination program.

Additionally, the Consent Decree Division intends to assess other instruments for the selection of Q-2's. The 18-month interlude would provide the opportunity to replace or modify the audio-visual examination prior to recruitment for E-99.

Of concern would be the issue of the retention of the women over the life of the eligible list. To that end, we will be submitting a request for Auditor/Monitor Fund monies to be utilized in a Pre-Academy retention program.

I believe that the approval of the proposed cut-off score is necessary to preserve the success of the recruitment effort. A higher cut-off score would result in "chilling" highly motivated (as evidenced by the participation rate) and competent (as judged by the overall higher average scores relative to past examinations) women and minorities from reapplying in the near future.

In light of the pressing need to reach an expeditious resolution, we request that this matter be placed on the agenda for the November 24th meeting of the Parties.

We anticipate that our request for Auditor/Monitor Fund monies for the proposed Pre-Academy Retention Program will be completed in time for inclusion on that agenda.

**Subject:**

**2. Q-50/Q-35 Examinations**

The attached tables represent the demographics of the potential applicant pools for the Q-50 and Q-35 examinations. The applicant data are displayed according to four (4) different possible cut-off dates that could be used to determine eligibility vis-a-vis the minimum qualification of three (3) years in the Q-2, Police Officer rank.

The raw data were provided by the Personnel and Training Division and require ongoing adjustments to accurately account for normal attrition (resignations, retirements, etc.). However, we expect that normal attrition will have little impact on the composition of the final eligible applicant pool and, therefore, those demographics will closely approximate the data presented in the attached tables.

The Consent Decree Division recommends setting the cut-off date of June 1, 1980; i.e., anyone entering the S.F.P.D. prior to that date would be eligible to apply for the upcoming Q-50/Q-35 examinations. This cut-off date is advocated for two (2) reasons.

First, as documented by several communications received from the Promotional Information Group (P.I.G.), establishment of a concrete cut-off date is necessary to provide interested individuals with the ability to determine whether they are in fact eligible for the upcoming examinations. Concomitantly, anxiety levels are decreased and the opportunity to conduct realistic planning regarding study time, vacations, etc., is afforded.

Second, in keeping with the spirit of the Consent Decree, the June 1, 1980 cut-off date results in a potential applicant pool with the greatest proportional representation of minorities and women possible under the extant time constraints. This cut-off date would include individuals who entered the Academy in Class 137 which started May 26, 1980 but exclude individuals from Class 138 which started July 21, 1980.

If the proposed June 1, 1980 cut-off date is acceptable, in order to comply with the scheduling requirements of the Consent Decree as modified by the December 31, 1980 court order, the Parties must agree to allow the examination process to commence prior to June 1, 1983. All candidates will have met the three (3) year experience requirement prior to the deadline of adopting the final eligible list by August, 1983.

There are a number of factors which currently adversely affect the Consent Decree Division's efforts to complete the Q-50/Q-35 in a timely fashion. Without going into exacting detail, these primarily include the impact on the ability to allocate sufficient staff time and resources as a result of deferring completion of the Q-60 examination and the labor intensive activities required to close-out the e-98 administration (by far the largest to date) of the Q-2 examination.

Given that this matter is on the agenda for the November 24 meeting of the Parties, I expect that more detailed information regarding the problem areas can be provided and possible ways to remedy them discussed at that time.

by Ray Wong  
Coordinator

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# MIRANDA

by William Fazio  
Assistant District Attorney

In 1966 the United States Supreme Court decided the Hallmark case of *Miranda v. Arizona*. The *Miranda* decision has become universally recognized by everyone from police officers to armchair Lt. Kojaks.

1. "You have the right to remain silent."
2. "Anything you say can and will be used against you in a court of law."
3. "You have the right to talk to a lawyer and have him present with you while you are being questioned."
4. "If you cannot afford to have a lawyer, one will be appointed to represent you before any questions, if you wish one."

## TURN THE CARD OVER

1. "Do you understand each of those rights I have explained to you?"
2. "Having those rights in mind, do you wish to talk to us now?"

The above are obviously familiar words to any police officer. It has only recently come to my attention that a dogmatic inflexible approach to the above admonition may oftentimes hinder or otherwise make impossible the taking of a statement from a suspect. Without addressing the issue as to when *Miranda* must be given let us examine the most effective way to give the warning, maximizing the chance of obtaining a statement from the suspect.

There is nothing magical about the above *Miranda* warning; indeed courts have often stated that the words so often associated with *Miranda* are not a "magic talisman" which are cast in stone.

In discussions with Homicide Inspectors in the Bureau, it has been brought to my attention that perhaps the one phrase in the entire warning which often causes a suspect to think twice and ultimately refuse to talk is the last phrase i.e., "Having those rights in mind, do you wish to talk to us now?" The question I am often asked is — "Can we get around that last phrase?" Answer: Yes and No.

You do not have to use the words exactly as above described, but it must be demonstrated that the defendant knowingly and voluntarily decided to speak to the officers. In this regard it would be perfectly acceptable to state, "Would you like to make a statement to me," or "How about speaking to us about your involvement in the case," or "Want to tell me what you know, etc." It can readily be seen that the above statements are not as formal and foreboding as the traditional phrase, yet they, assuming all else goes right, fulfill the obligation that the statement is knowingly, freely, and voluntarily given.

I do not wish to give anyone the impression that they can bastardize the *Miranda* warning with impunity, but I think it important to point out that it is the totality of the circumstances and not the magical incantation of certain words that *Miranda* is concerned with. Remember that the thrust behind *Miranda* and its progeny is simply that where a suspect is about to undergo custodial interrogation and the investigation has centered upon him, he must be advised of his rights guaranteed to him under the 5th and 6th Amendments to the United States Constitution. Namely, that he cannot be required to incriminate himself, and he has the right to counsel. If he is advised of those rights and it can then be shown that he knowingly, freely, and voluntarily speaks to the police such statements should be deemed admissible.

# LETTERS

## Thank You

Dear Mr. Friedlander:  
Thank you so much for your generous donation of \$150.00.

It is so very welcome during this special Holiday season and will be used to assist in funding our Thanksgiving dinners effort.

We plan to deliver some 1,250 meals into the community, serving shut-ins who cannot leave their places of residence.

We also will probably serve dinners to some 1,300 individuals at our 125 Valencia St. site.

This will be done on Thanksgiving Day.

We invite you to stop by if you wish and see the happiness on the individual's faces who will benefit from your generosity.

With best wishes for a bright Holiday season.

Cordially,  
Envoy Nick Gabriel,  
M.B.A.  
Assistant Director

## Gay Vote

Dear Editor:  
Having campaigned for its passage, I wanted to express my congratulations on the success of Proposition J on the November ballot.

There has been a great deal of talk about the campaigns for Props. I and J, and Prop. A calling for the creation of an Office of Citizens' Complaints. Some have criticized the move to approach the gay community for support of I and J.

I think your members will be interested to learn about the result of the vote on Props. I and J in the gay community. Gay voters have generally supported labor issues, and their votes this November uphold their high level of support. Proposition I received a 53.08% yes vote among gay voters, compared with 45.71% city-wide. Proposition J won a 65.66% yes vote from gay voters compared with

59.85 city wide.

Despite the very liberal San Francisco vote this November, it was apparently not possible for many people to vote for increased retirement benefits. I hope we can continue to work for the passage of such legislation, with the support of the gay community.

Very Sincerely,  
Harry Britt

## Attorney General

Dear Bob & POA Members:

Thank you so much for your support of my campaign. Your generous contribution went a long way toward insuring that we had adequate television and radio exposure during the critical last two weeks.

I am both delighted and humbled by my election as Attorney General. I pledge to you that my administration will be one where all of the people of California are represented.

Thank you again for your friendship and support. I will always be grateful to you.

Sincerely,  
John Van de Kamp

## Thoughtfulness

To the Board and Staff of the S.F.P.O.A.—

Thank you very much for your gift and thoughtfulness. My wife enjoys having flowers and plants around her room, and so is especially grateful for your kindness.

Sincerely,  
Bill and Karin Kidd

## Thank You

Dear Bob Barry:

On behalf of our Board of Directors, participants and staff, we would like to express our sincere appreciation and thanks for your most generous contributions of \$750.00 to the International Order of Foresters Carnival Fundraiser held on October 3, 1982, to benefit the Center. Our receipt #12352 is enclosed for your files.

The Carnival was a great

success because of the community spirit of organizations such as the San Francisco Police Officers' Association. Your dedication and devotion to disabled persons helps us to maintain our program and services to 1,600 participants, especially during these times of serious cuts in our funding.

Again, thank you for your marvelous contributions and please convey our deep gratitude to all the members of the Police Officer's Association, and to Dr. David Sanchez, President of the San Francisco Police Commission.

Sincerely,  
Janet Pomeroy  
Founder and President

## The Sheriff

Dear Editor:

As a supporter of Propositions I and J, I was pleased to see the overtime proposal pass in the election on November 2. I believe this is an important first step toward the creation of an equal salary and retirement structure for all members of the San Francisco Police Department.

I would like to thank the I and J support committee for featuring me as an endorser in many of its newspaper advertisements and other types of campaign literature. I look forward to working closely with you in the future on such issues.

Sincerely,  
Michael Hennessey  
Sheriff

## Thank You

Dear Mr. Friedlander:

We have been informed by the Untied Way of the Bay Area that you have contributed \$150.00 to Columbia Park Boys' Club through the Donor Option Plan.

Please accept our sincere and grateful thanks for your kindness.

Sincerely,  
Charles D. Conley  
Executive Director

## Widows & Orphans

Gentleman,  
In the October, 1982 S.F. Policeman, Page 2, W&O's donations an error was made unintentionally.

Mr. & Mrs. T. A. Bragg's donation should read:

Mr. & Mrs. T. A. Bragg - in memory of their son, Allyn W. Bragg.

Can this be corrected for them? Our thanks.

Dolores Bragg

## Thank You

Dear Mr. Friedlander:

Thank you so much for the \$100.00 donation in support of the "Friends of Harbor Light."

Your generosity is very much appreciated and will be benefiting those who are in need, as they enter our programs.

We are so very grateful.

Cordially,  
Envoy Nick Gabriel,  
M.B.A.  
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November 16, 1982

## Board of Directors Meeting

Called to order at 4:15 p.m. by acting presiding officer Vice-President Chignell.

**Roll Call:** Seventeen (17) present (Swall, Linehan, Schmidt, Dempsey, Parenti, Bruce, Maloney, Doherty, Wright, Casciato, Huegle, Nevin, Bell, Hebel, D. Collins, Chignell); one absent (Rapagnani); two (2) excused (Ballentine, Barry).

**First Order of Business:** Terry Collins was sworn in as representative from Taraval Station (Co. I) where former representative George Grant has just resigned. It was announced that Woody Tennant had resigned as station representative from Richmond Station (Co. G). Present taking notes and unofficially representing Co. G was member Jill Connelly.

**SECRETARY'S REPORT:** Minutes for the month of October 1982 are published in the November issue of the Policeman to be distributed during the week of the 22nd of November.

**TREASURER'S REPORT:** Duane Collins presented the treasurer's report. The Monthly Financial Statement ending October 1982 revealed that the POA had a balance on hand of \$187,390.37. The expenses for Propositions "I" and "J" on the November 1982 Ballot amounted to \$134,533.39. M/Casciato S/Hebel that the treasurer's report be approved. Approved by voice vote.

**OLD BUSINESS:** Al Casciato reported on the picture frames for Academy Class pictures which will be hung in the Hall of Justice. Chief Murphy has given over \$5,000 in inkind services for this project. M/Casciato S/Schmidt that the Board appropriate and spend \$2,900 for purchase of the frames. Jean McVeigh to be notified so that the frames can be acquired. Motion passed on a vote of 14-yes (Linehan, Schmidt, Dempsey, Parenti, Bruce, Maloney, T. Collins, Doherty, Casciato, Huegle, Bell, Hebel, D. Collins, Chignell).

**FEDERAL LITIGATION REPORT:** The Federal Litigation report was made by Mike Hebel. It appears as though there will be a delay in the examination for the Q-50 Sergeant and Q-35 Inspectors Examinations. The Auditor/Monitor's Fund presently contains approximately \$600,000 and should be used to adequately staff the Consent Decree Unit. Attorney Ralph Saltsman's letter of November 1, 1982 to Professor Trives was distributed and explained. M/Hebel S/Casciato that the Board strongly urge the Auditor/Monitor to release funds from his account to properly staff the Consent Decree Unit so that its testing mandate can be met. This motion shall be conveyed to the Attorneys and to all parties. Furthermore the POA will seek sanctions and cancellations of the Consent Decree if testings/promotions do not proceed as required. Motion passed on a vote of 13-yes (Swall, Linehan, Dempsey, Bruce, Maloney, T. Collins, Wright, Casciato, Huegle, Bell, Hebel, D. Collins, Chignell).

**LEGISLATIVE COMMITTEE REPORT:** Dan Linehan and Gerry Schmidt reported on Propositions "I" and "J". They noted that Prop. "I" (Retirement Benefits) lost by about 16,000 votes. Proposition "J" passed with 60% of the votes. It was felt that Mayor Feinstein dramatically hurt Proposition "I" with her vocal opposition. The POA spent \$134,533.39 on this campaign. Finally the string of losses since 1975 had been reversed. Plans were discussed for resubmission of a similar Retirement Plan in either November 1983 or November 1984. The exact date to be determined later. It was announced that the coalition with the Gay/Minority Groups proved successful and helpful in both Propositions "I" and "J" campaigns.

**MIKE NEVIN WINS**

Representative from the Inspectors Bureau Mike Nevin

thanked the POA for its financial and moral support. He received the most votes for the Daly City Council and is likely to become the new Mayor of that City.

**ANNUAL POLICE PICNIC:** Mike Hebel reported on a letter received from POA Picnic Coordinator and Tug of War referee Ted Schlink wherein he indicated that he lost a gold San Francisco police ring with a 10 point diamond when a losing team (Police Academy) had lifted him up and thrown him into the water at the Marine World USA. He suffered physical injuries and the loss of this ring.

M/Hebel S/Casciato that the POA reimburse Ted Schlink for loss of a ring (\$994.20) sustained while acting as POA's representative as chairman of the Annual Picnic and judge of the Tug of War. Motion passed on a vote of 12-yes (Swall, Linehan, Schmidt, Dempsey, Parenti, Bruce, T. Collins, Casciato, Nevin, Bell, Hebel, D. Collins) and 4-no (Maloney, Doherty, Huegle, Chignell).

**WELFARE OFFICER'S REPORT:** Mike Hebel spoke on the following three (3) items:

- (1) A hearing would be held on the 17th of November in the Board of Directors hearing room with regard to the denial of Joyce Kennedy's \$50,000 death in the line of duty application filed by the POA resulting from the death of her husband Frank Kennedy at the Police Range. A hearing officer was being flown in from Washington, D.C. to conduct an inquiry into the circumstances surrounding Frank's death and the initial administrative denial of the Department of Justice regarding the \$50,000 death benefit.
- (2) It was announced that Dan Mattrocce, General Manager of the Retirement System will be retiring probably at the end of March 1983. His long and dedicated service and accomplishments in that position would be subject of further explanations in the Policeman Newspaper.
- (3) The continuing controversy in question of light duty is calendared on the Commission's Agenda for November 24, 1982. Negotiations on this light duty

*continued on page 28*



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## FALSE COMPLAINTS? SUE!

By Mike Hebel

The California Penal Code requires every Police Department to establish a procedure to investigate citizens complaints against peace officers and to make a written description of the procedure available to the public.

In the past there have been numerous lawsuits initiated by peace officers against individuals who had filed false complaints. These suits had failed since there was no law specifically allowing them and since the courts had liberally construed the right of a citizen to complain about actions of government employees.

**AB 1025**

On September 30, 1982 Governor Jerry Brown signed

AB 1025 which becomes effective on January 1, 1983. This landmark legislation simply and forcefully states: "A peace officer may bring an action for defamation against an individual who has filed a complaint with the officer's employing agency alleging misconduct, criminal conduct, or incompetence, if the complaint is false, the complaint was made with knowledge that it was false and that it was made with spite, hatred, or ill-will. Knowledge that the complaint was false may be proved by showing that the complainant had no reasonable grounds to believe the statement was true and that the complainant exhibited a reckless disregard for ascertaining the truth."

This legislation finally balances the right of a citizen to properly complain and the right of a peace officer to sue when false complaints are lodged with the police agency.

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# The S.F.P.D. Police Academy

*continued from page 1*

recruits are finding this course all they can handle, (and sometimes more).

### 3. T.A.C. Officers - Training and Counseling

These Sergeants and Officers are at a level where they could fit in at any Academy in the state. Constantly upgrading their job they have learned new approaches to effectively and positively deal with recruits problems and failings.

### 4. Physical Training Staff - Sergeant John Currie

John and his staff are probably one of the most improved areas in the Academy. Gone are the days of one hour's worth of calisthenics and one hour of baton work and holds. John's emphasis (in conjunction with Dr. McGlynn) is on safe effective holds various distance running (sprints to 2 miles) and weight training, giving recruits upper body strength and just as important self confidence, and have a more thorough knowledge of holds and arm locks than any past recruit classes.

### 5. T.A.C. Staffs

These are people that bring the recruits from day one to the 17th week and graduation and then on to the F.T.O. Program. Constantly reviewing and upgrading their techniques in counseling and monitoring personal behavior, these people can now spot problem recruits earlier and hopefully deal with them in a positive way.

The Academy was originally opened, staffed and run by Captain Richard Klapp and subsequently Lt. Ronald Jackson took over this difficult position and has (in my opinion) filled it more than adequately. Lt. Jackson has staff meetings constantly and has great rapport with all the staff. A real gentleman and Police Officer who is looking to upgrade the Department, not necessarily looking out for himself (a rarity indeed).

There are numerous areas that have been added to the Academy. Sergeant Raymond Portue and Officer Jerry Salvador have instituted an Officer Survival Course and have now upgraded it so that the U.S. Marines, Army, F.B.I. and other agencies have participated in the course and given it high praise. Officers Salvador and Springer and I have put together a day of

shooting decisions and a district tour which the recruits thoroughly enjoy. Shooting Decisions is now in the early stages of revision to give new simulated shooting decisions to the recruits.

There are problems in the Academy, I just don't like to focus on them. I am a realist, it's not that I don't acknowledge the problems, the ones that I see and have some control over I address, otherwise the person in charge of that block has the responsibility for the problem.

Believe it or not the Academy is now terminating as many or more recruits than the F.T.O. Program. Our main goal is to give the recruit the basics in all areas and then send them to the F.T.O. Program for additional training and refining of what we teach them in a classroom. (We teach them the ideal, F.T.O. teaches the real; that's the way I put it to the recruits.)

Best Academy in the state, No, but a good comprehensive 17 week program that is striving to improve constantly, YES!

There have been some recruits that shouldn't have graduated from the Academy. There has even been some that have graduated from the F.T.O. Program that shouldn't have. All in all the majority of the recruits are basically good patrolmen. The ones that slip through the system, have been doing that since the department began and will continue to do so even though they have been identified and written up, people in the administration have overruled us. A good many recruits can do the job but their personalities and peculiarities are getting them in trouble at an unprecedented rate. Again it's now in the hands of the administration. Some of the recruits (quite a few) were in trouble at the Academy and written up but the administration didn't think the offenses warranted any serious consideration and the recruits were passed, now the department is paying for their decisions.

In conclusion we have problems at the Academy and we also have some good aspects. Taken collectively, the police Academy has done a fairly good job and will continually strive for improvement.

# Petition Received

Mike Hebel,

I am forwarding to you for the necessary action a petition containing in excess of 150 signatures of members of the San Francisco Police Officers' Association.

The members signing the petition request a change to the Constitution of the S.F.P.O.A. regarding the monthly dues from the present percentage rate to a flat monthly rate of fifteen (\$15.00) per month.

We request immediate action on the proposed change.

Thank you,  
George F. Walsh

## Bylaws-Article I,

### FINANCES

1. The annual dues of this Association shall be as follows:

Active Members: (One percent 1%) of fifty dollars (\$50.00) less than the fourth year police officer's monthly salary, per month), Fifteen dollars \$15.00 per month.

Retired Members: Nine dollars (\$9.00) per year payable in advance.

Retired Members who elect to retain their active membership upon retirement. (One percent (1%) of fifty dollars (\$50.00) less than the fourth year police officer's monthly salary). Fifteen dollars (\$15.00) per month, payable quarterly in advance.

# ELECTION

## JAN. 24-28, 1983

# November 16, 1982 Board Meeting

*continued from page 8*

change had been going on for over a year with the Labor Relations Committee and Deputy Chief Shannon. Agreement had been reached and the Board of Directors had voted on the proposed change. It is now up to the Police Commission to adopt it. Further information will be provided in the December issue of the Policeman regarding this change.

**COPS COMMITTEE:** Vice-President Chignell reported on bills that were being introduced in the 1983 Legislature in Sacramento by the California Organization of Police and Sheriffs. He spoke about the unprecedented number of charges against POA members.

**PUBLICATIONS COMMITTEE:** Gale Wright spoke on the 90 day trial from Police News. He indicated, as of was the feelings of the membership and the Board, that Police News had failed its trial period. They apparently had a cash flow problem and could not get the paper mailed out on time. Additionally there seems to be an over selling of ads with too much advertisement appearing in the newspaper. Howard Quinn Printing Company will now take over publication and printing of the Policeman.

M/Wright S/D. Collins that the Board approve the Howard Quinn Publishing Company for a 90 day trial period to print, lay out, and publish the Policeman starting on November 5, 1982. Motion passed on a vote of 17-yes (Swall, Linehan, Schmidt, Dempsey, Parenti, Bruce, Maloney, T. Collins, Doherty, Wright, Casciato, Huegle, Nevin, Bell, Hebel, D. Collins, Chignell).

**NEW BUSINESS:** Don Carlson made an extensive presentation on behalf of the San Francisco Centurion Football Team. He indicated that this football team has now obtained non-profit tax exempt status and is composed of 59 players; 57 of whom are POA members. Don Carlson solicited \$10,166 for the Centurion Football Team. He presented a formal proposal based on his letter of November 10, 1982. In 1981 the POA Board gave approximately \$1,500 to the Centurion. M/Huegle S/Casciato that the Board contribute to the Centurions the amount of \$10,166 for their 1983 playing season. Motion passed on vote of 15-yes (Linehan, Schmidt, Dempsey, Parenti, Bruce, Maloney, Doherty, Wright, Casciato, Huegle, Nevin, Bell, Hebel, D. Collins, Chignell).

Prior to this vote Carlson had indicated that the Centurions will not solicit advertisers or contributors and that they will indicate on all of their literature and wherever possible that they are sponsored by the San Francisco Police Officers' Association.

Prior to the vote on the preceding motion it was amended by Parenti seconded by Maloney that no POA

monies donated and given to the Centurions Football Team should go in any manner to a non-POA member of that team. This amendment passed by a vote of 15-yes (Linehan, Schmidt, Dempsey, Parenti, Bruce, Maloney, Doherty, Wright, Casciato, Huegle, Nevin, Bell, Hebel, Duane Collins, Chignell).

### COMPENSATION/RETIREMENT BENEFITS

A discussion was held concerning the compensation and retirement benefits given to POA Presidents. It was felt that this matter should be looked in especially since any POA President takes a leave of absence from the Department and thereby while serving as POA President that time is dead time for retirement purposes from the Police Department. A committee was formed (Linehan, Schmidt, Casciato and Hebel) to set either compensation/retirement benefits currently and in the future to be given to POA Presidents.

Meeting adjourned at 5:50 p.m.

Submitted by:

MICHAEL S. HEBEL  
SECRETARY

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# WRITER ASKS FOR HELP

Deputy Chief James P. Shannon  
S.F.P.D. Administration

Dear Sir:

Remember me, the wild and crazy highway patrolman from Colorado, who back in 1978 solicited your help in aiding us to get rid of the mandatory cross-draw holster our department members had to carry? Well sir, thanks to your assistance, we not only got rid of the holsters, but also the hats we had to wear in the patrol cars.

I have since left the Colorado State Patrol, and put in another three years in the Denver municipal police department. Now I am into fulltime writing and concentrating on my Vietnam military police experiences, which have escalated into a monthly column, known as the SAIGON BEAT.

The problems is that after three years of writing the column, I'm running out of true material. I'm sure you might know some Vietnam MP vets who might want to see their work/adventure published. Could you post the endorsed poster on your bulletin board for the best exposure. Any help I get will be greatly appreciated.

Sincerely,  
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I NEED YOUR TRUE-LIFE EXPERIENCES FOR MY MONTHLY MAGAZINE COLUMN!

As author of SAIGON BEAT, a monthly series of Military Police escapades and adventures in the international military magazine "GUNG HO," I need new, fresh material. I have been the guiding force behind SAIGON BEAT for the last three years, but my experiences in the 'Nam were limited and are quickly running out.... To keep the column running, I wish to share SAIGON BEAT with my fellow Vietnam veterans who are now American police officers nationwide! AND I'LL PAY YOU FOR YOUR STORIES! A minimum of a fast \$100 per episode, but never less than 33% of my paycheck per column.

This is your chance to see those precious war stories and guarded memories finally in print, to be shared by other professionals who appreciate them only as fellow-vets could. Even the civilians who stayed behind, who could not possibly come to know the 'Nam, praise SAIGON BEAT for its fast-paced, action-packed and enlightening adventures.

As a former police officer, (three years metro-Denver, three years Colorado Highway Patrol, and three years a military police Sgt. in Asia), I realize how sacred your personal life is. Therefore, all material/photos sent to me are kept in the strictest confidence! ALL PHOTOS ARE RETURNED, and you must approve, in writing, a final draft of the column before I submit it to my publisher. You may use a pseudonym, or your real name. YOU DECIDE whether we list your present background experience — we will never embarrass you or your department through your association with my SAIGON BEAT column.

WE ARE NOT A MERCENARY MAGAZINE! We have had interviews with ex-CIA head General John Singlaub, medal-of-honor winner Colonel Anthony Herbert, (author of the bestseller "Soldier") and several over professionals who would not lend their names to radical publications. "GUNG HO" has also led the field in news-breaking SPECIALS. Our June '81 issue released the first story in print about the TOP SECRET MAC-SOG penetration groups in Vietnam. The Pentagon and CIA even subscribe to "GUNG HO" because they realize our foreign correspondents usually out-SCOOP even the super-SPOOKS.

INTERESTED? Please write if you are. Big bucks are not the question here, SAIGON BEAT is not quite the BIG TIMES yet. But it is an avenue in which your adventures can finally find PRINT and an INTERNATIONAL audience. I'm looking forward to hearing from you....

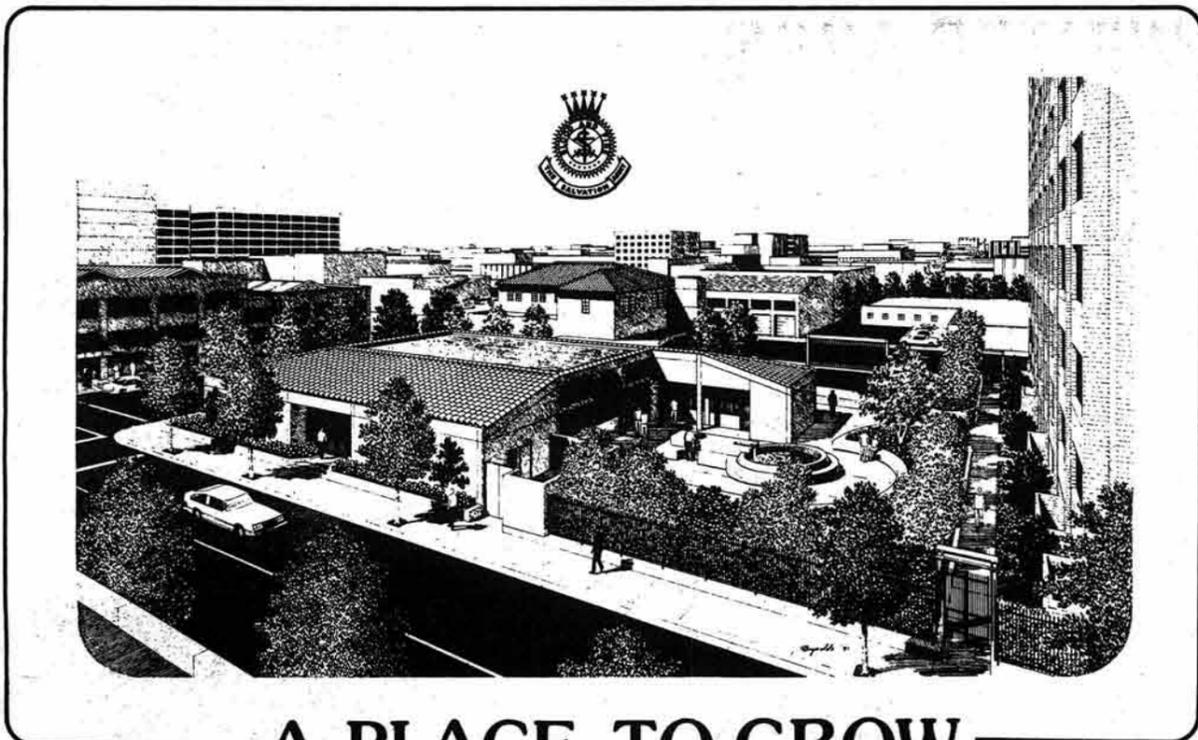
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## PROMOTIONAL OPPORTUNITIES

By Robert Bernardini, Co G

The poorly written examination and the dubious integrity of the scoring of the recent civil service-Consent Decree police lieutenant examination casts doubt upon the Consent Decree Unit's ability to provide a fair job related promotional examination. Unfortunately, the far range impact of this bungled promotional examination is yet to be felt by the future candidates for sergeant, assistant inspectors and captains.

A Consent Decree representative made a point of announcing to all lieutenants candidates that the examination had been prepared by professionals and would be scored by professionals. These professionals forwarded one examination which had to be returned because it was so poorly written. A second set of examination questions were prepared by the professionals with 200 questions; 49 of the new questions had to be deleted just before the examination was to take place because they were incorrect. After the examination, more questions were challenged by our police captains — another 21 questions were deleted from this professionally prepared examination.

The number of protests filed by the candidates after the examination reached an unprecedented level. Thereafter, depending who you spoke to, the examination papers were either copied by hand onto another test sheet, or duplicated by a copy machine and then forwarded to the professional scoring organization in Minneapolis. They used a computer to score — the computer had been improperly programmed; rescoring followed with the number of passing scores increased by five more candidates.

In the foregoing is not enough, imagine taking an examination which does not reflect the tasks which would

be performed by the successful candidates if they become appointed. Was the examination job related? Ask the constitutional law professors who recommended that additional law questions be eliminated. Strange, is it not, that the U.S. Supreme Court requires that any criteria for a job or promotion must reflect a relationship between the job and the criteria for entrance into the job. It is peculiar that the Consent Decree Unit, which is supposed to represent an extension of the U.S. Federal Court, seems to have ignored the U.S. Supreme Court decision in Griggs v Duke Power Company.

If all this has made you sick, then add this: The SFPOA remains peculiarly silent on this bungled promotional examination and has made no attempt to force the court to correct its apparent errors in this matter. Instead, 80 very angry sergeants are putting up \$30,000 of their own funds to challenge this type of examination for the gain of all San Francisco Police officers who hope to take a future promotional for sergeant, assistant inspector, or captain.

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## Community Services Committee

The Community Services Committee held its monthly meeting in November.

The Committee had many requests to consider with both Thanksgiving and Christmas approaching. With the high unemployment and many folks just trying to make it from day to day. The Committee wanted to cover as many people and organizations as possible.

The following donations were made, and as you can see we were near the \$10,000 figure and we feel its good money spent by the POA/Community Services.

1. We purchased Christmas trees from the Guardsmen organization to be given to seniors and senior homes. \$700.00 worth of Christmas trees.

2. Special Olympics-sponsored by the D.A. association had a Christmas party for their benefit - a donation of \$200.00.

3. The POA made a major donation to the Salvation Army Senior Center which just opened at 360 Fourth Street. We purchased a room in the building and a plaque will be placed by the door, which will let everyone know that everything in this room was donated by the POA. The donation was \$2,000.00.

4. Officer Al Phillips who was injured in a fire at home and is now recovering had a raffle held for him. The committee donated the first prize of a hindquarter of beef. \$200.00.

5. Also officer Gannon requested the committee purchase a piece of equipment at the Burn Intensive Care Unit of S.F. General Hospital. The POA will purchase a cardiac chair which is used by a burn victim. We hope that if it saves one life it was well worth it. A donation of \$900.00

6. St. Patrick Church for a Christmas senior party - \$100.00.

7. Community Baptist Church Christmas dinner \$165.00.

8. St. James Church for a Christmas dinner for seniors \$165.00.

9. Henry Ohloff house a donation of \$250.00 for their Christmas dinner.

10. 25 Sanchez Street home for seniors for their Christmas dinner a donation of \$150.00.

11. Tenderloin Senior Outreach Project a donation of \$800.00 for the completion of a photo-novel on crime which was written by elderly hotel residents with the help of police officers.

12. Salvation Army Harbor Lights Christmas dinner a donation of \$200.00.

13. St. Anthony's Dining Room a donation of \$1000.00 to help feed people for Thanksgiving and Christmas dinners.

14. Real Alternatives-Youth Program a donation of \$500.00.

15. Shriners Hospital East-West football game a donation of \$264.00.

16. Sue Della Cella - widow and victim of recent disaster a donation of \$200.00.

17. Bethlehem Shipyard Workers Fund a donation of \$1000.00 to help them during the up coming holidays.

18. Senior/Escort Program for printing of a new brochure with credit to POA. A donation of \$100.00.

The committee wishes to thank the officers who pass on to committee their requests of donations. Again, if any officer comes across any group or individual in need of some help, please contact the POA office.

Respectfully submitted,  
Henry Friedlander,  
Chairman

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# Outlaw Motorcyclists a Problem for Police

By **ROGER H. DAVIS**  
Special Agent  
Federal Bureau of Investigation  
Washington, D.C.

## Outlaw Motorcyclists: A Sociopsychological Profile

Motorcycle gangs constitute a bizarre subculture, but for some reason, have been "beneath the dignity of serious social scientists" to study. In dealing with emergent problem groups, such as motorcycle gangs, group behavior is important to understand. Any group of people — an occupational group, cultural group, or adult gang — develops special characteristics that set it apart from all others. A subculture may be based upon regional characteristics, common traits, occupations or interests, and may carry with it certain styles of dress and behavior.

A motorcycle gang subculture is based upon a number of common factors, including a mutual interest in motorcycles. Other characteristics, however, also draw people to outlaw gangs. Outlaw gangs differ from many other groups in that their behavior goes beyond the dominant characteristics that set many other groups apart. Outlaw gang members challenge dominant features of American society, not only with their criminal behavior but with overt actions intended to shock. The shocking behavior we often see is, in fact, an open break with the value system of society.

Language can be a component of subculture, and the language of an outlaw gang member sets him apart from other groups. An outlaw motorcycle gang member's language is saturated with vulgarity and with terminology that denotes a different meaning to an outsider. Terms such as "ape-hangers," meaning high-rising handlebars, or a "fash truck," a van that follows the gang's motorcycle formation, are examples.

Although these behavior patterns are subcultural characteristics, an understanding of the gang subculture is important because a look at the world as seen through the eyes of a gang member may aid the police officer in being more effective in dealing with motorcycle groups. Such an understanding is critical, since indications of future gang activities point toward a shift in behavior from the unruly freewheeling individualist of the 1950's and 1960's to the older, wealthier, and more deeply connected outlaw of the present.

Persons from different subcultural groups behave in ways that differ from those of the mainstream of American society. As one social scientist explained, value orientations differ among varying groups of people because the views and beliefs people have are the products of learning group relations. Most members of outlaw gangs are from lower or lower middle class levels of American society, and as such, bring with them their class-associated behaviors. Criminologist Walter Miller suggests that lower class people are characterized by distinctive values which not only differ from the values of the majority of American citizens but also conflict with our legal code. As individuals with like values become more and more involved with outlaw gang members, some of these values are accentuated, reinforced, and accepted as modes of behavior within that group.

### Gang Member Initiation

The process through which a potential member is assimilated into a gang is interesting. When a person



expresses a desire to become a part of the group, he is sponsored by a member, is designated a probate, and serves a period of time in that status. The actual time period varies. With some groups it is a vague period that terminates when a group consensus is reached that the probate has met the test. Membership is gained after the process of assimilation and "testing" is satisfactorily completed. During the probationary period, the probate is required to submit to the desires of gang members, wait on them, and run errands. Some outlaw gangs have levied other requirements on probates, including the commission of felony violations witnessed by a member. These requirements seem to vary with the confidence level the group has in any particular probate. Some groups may require probates to commit one or more criminal acts, while others have no such requirements.

The probationary period is a time of testing, but group influence on what behavior is desirable and what is undesirable is clearly taught. The probate learns that bizarre, shocking behavior is a way to "show class" and gain status. Criminal behavior may also be seen as desirable. During the probationary period, the probate comes to see deviant behavior as appropriate in his new role. Witnessed criminal behavior serves as a test to those probates whose reliability and loyalty to the group are questioned. It also serves to both filter out potential police informers and give the group some leverage over members. Outlaws believe that if some members have witnessed others commit a felonious act, the group's code of silence is more easily enforced.

Frequent close contact with group members, the teaching of group norms, and the membership requirements all mold the probate. He changes not only his behavior but his identity. The new identity is evident in the behavior that follows, which includes a symbolic attachment to the group represented by tattoos of the club logo appearing on members' bodies, especially on arms and backs.

Individual club names for some become the only names they are known by within the group and provide both a special personal identity and a group identity. Names such as Flapper, Spider, Greaser, Loser, Roach, Wild Man, and Zit are typical.

Outlaw gangs are ritualistic groups, and the importance of gang rituals in building probate loyalty and group cohesion should not be overlooked. Rituals, such as initiation ceremonies, funeral and wedding ceremonies, meetings, travel formations, and required motorcycle rallies, are significant events pulling the group together. Gangs exhibit their ritualistic nature in wearing certain patches for participation in events, in certain deviant acts, or for symbolically expressing the group position on issues such as drug usage (indicated by the patch "13") or motorcycle helmet laws.

When a probate has passed the test of acceptance, he will be formally initiated into the group. The initiation process is a ceremony that establishes a totally new identity with the group, and at the same time, serves to somewhat sever a new member's former identity with mainstream society. The initiation ceremony itself varies from club to club. Universally, however, it is an event where the club jacket (colors) is initiated along with the new member. The person being initiated is sometimes required to lie on the ground while members pour oil or pig urine over them or while they urinate, defecate, or vomit on them. Whatever the process, the event itself provides a formal acknowledgement that the initiate is now part of a special society.

### Hopelessness

Since outlaw gang members are primarily from the lower class, they hold values that are associated with persons at that societal level. As individuals with those values drift together and form gangs, some behavior is reinforced, and some characteristics become extreme. One class-level characteristic prevalent among gang members is hopelessness. The gang's existence seems to be the result of a need to deal with bitterness toward society. Members have little hope of succeeding in society in terms of living up to societal expectations that require achievement and education. The gang offers an answer — it provides security for misfits in society. George Wethern, a Hell's Angel turned Government witness, identified the strong connection between his psychological needs and his gang associations when he said, "My self-esteem and my deepest friendships were bolted to my motorcycle.

A poem in a magazine widely read by gang members typifies the hopelessness that pulls a member toward gang associations:

My dog has fleas and doesn't know  
where to scratch, my bike won't run  
and I have no place to crash, I just

*continued on page 13*

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# Outlaw Motorcyclists

continued from page 12

spent the day getting food from the trash, I think I'll go and score me some grass.

This o'l world ain't treating me right, it's the same old way from morning till night. I try being peaceful and end up in a fight, I'll just smoke a number and get my hear right.

I go look for a job and get no place, I smile at my friends and get slugged in the face, I keep telling people I'm not running a race, I think I'll sit down and get stoned just a taste.

My chick just split with another man, I lie in the sun and can't get a tan, when I'm out in the streets there's always The Man, I'll go to a station and smoke in the can.

Well, that's my story from day to day, it never varies in any way, so if you need me — I'll be away, lying somewhere and smoking the hay.

The outlaw code is a code of mutual support — one for all, all for one. Mutual support combats the feeling of hopelessness and provides for some individual security needs. The gang-code requires that members rally to each other's aid, and evidence is mounting to indicate that the credo of mutual support extends to an opportunity to provide for financial security, as well. According to a former Hell's Angel, "...cohesion (no longer) was strictly a matter of fraternal pride. 'It was an insurance policy protecting our livelihood and keeping us out of the slammer...' By the late 1960's being a Hell's Angel had become a fulltime job for many and at least one income supplement for most."

The profits some gang members make in crime offer ample opportunity for members who so desire to "get a piece of the action." The group supports this activity in tangible ways. Bond money is quickly obtainable from club coffers or through loans from members. When 11 Hell's Angels were indicted in San Francisco, they were able to raise more than \$3 million in bail money, and when freed, they drove away in a limousine.

The gang also fills other voids in its members' lives. Status and recognition from society, at large, have been withheld from most persons attracted to motorcycle gangs. The gang meets those needs by offering a special status with the group which comes with bizarre and sometimes criminal behavior. Where attaining meaningful roles in life has been difficult for the outlaw biker, the club offers specific group roles and the status, responsibility, and respect that follows.

## Group Structure

Social scientists have studied secret societies and find a remarkable variety of formal and informal group structures dependent upon the centralization of control. Outlaw gangs have an organizational structure that includes a group president, vice president, secretary, treasurer, enforcer, and road captain. In some gangs, the structure of individuals involved in criminal activities may resemble the organizational hierarchy. This seems to be more the case among older groups, such as some Hell's Angels chapters. For other groups, however, the criminal network associated with the gang has included connections among gang members and persons only tangentially associated with the group. In some of these instances, the criminal structure bears little resemblance to the formal club hierarchy.

Groups with a hierarchical criminal structure are of particular concern to law enforcement because the structure is an indicator of a movement toward a more deeply rooted criminal organization. According to a member of the Hell's Angels, "...club structure was easily adapted to drug trafficking. All essential jobs

could be filled with club members — distributors, dealers, enforcers, transporters." With solidifying criminal organization, law enforcement efforts targeted against such groups also become more difficult. Because of this movement by some groups toward a deepening involvement in criminal activities, police officials warn of the necessity for early law enforcement intervention.

An outlaw gang is structured to allow the group its own standards, rules, rituals, status, requirements, and tests to pass. Within these outlaw subcultures, certain universal characteristics appear.

Strength or toughness appears as a universal gang requirement that seems to confer status. Members flaunt their tough image. They seem obsessed with height, muscles, and obesity. Tattoos are particularly prevalent. Social scientists who have studied tattoos and established a relationship between maladjustment and tattoos report that persons with large numbers of tattoos tend to be more deviant, hostile, impulsive, and sociopathic than persons without tattoos. Tattooing by gang members is not only indicative of possible maladjustment and desire to identify with the gang but is sometimes an outlaw group requirement.

The motorcycle itself is an extension of this concern with masculinity and is used not only to attract attention but as an expression of power. Weapons are also an outlaw obsession and appear as a further extension of power and masculinity.

A sexual fertility theme is consistently present among outlaw bikers. Sex rituals are occasionally included as part of the initiation ceremony, club meeting, or motorcycle run. Sexual "achievements" by members are rewarded by the group, are seen as conferring status, and are formally depicted by various colored jacket patches denoting witnessed sex acts. In effect, these status symbols are "merit badges" for deviant acts.

Risk-taking behavior is also prevalent among gang members. Shocking behavior and hedonism bring status that comes with the group's distortions of society's values.

Members of outlaw motorcycle gangs, particularly those attracting police attention, frequently have dominant personality characteristics. The sociopathic personality is not only the most common criminal personality but also the most dangerous and difficult to identify and is characterized by lack of guilt or remorse.

The sociopathic outlaw biker believes the world wants to be like him. He is OK — it is everyone else who is out of step. Although appearing tightly bonded to the group, the outlaw biker is a free spirit who has very little loyalty to others. His essential commitment is to himself. This characteristic makes him a potential informer, but only in those instances when there is clearly some benefit in it for him. Police officers working with this type of personality find that the gang member is seldom targetable until after he is charged with a crime and is faced with the choice of either informing or going to prison. Interestingly, the gang member exhibiting this personality needs to prove himself constantly through bizarre or criminal behavior. The group allows him an excuse to become deviant to impress his brother gang members. This type of person is self-centered and has difficulty with interpersonal relationships. Even within the group, he has difficulty keeping close friends because of his irresponsible and cynical nature.

The sociopathic group member often has little tolerance for frustration. He externalizes life pressures by blaming others for his problems. This inclination to place blame elsewhere is combined with an impulsiveness that produces an individual who fails to think through the consequences and irrationality of his crimes. It follows, then, that a sociopathic gang member will often have a police record that appears to show no pattern of criminal specialty. Rather, because of his unpredictable nature, he is often involved in a variety of crimes and is occasionally motivated by impulse.

Police dealing with gang members know about the impulsive nature of gangs. An incident in Houston, Tex., exemplifies the dangerousness of some gang members. A member of the Conquistadors gang, reacting to the discovery that an 11-year-old boy had been fishing in a pond on the gang member's property, fired an M-2 machinegun into the boy's home, injuring the boy.

Of concern to police is that this kind of impulsiveness is often connected with violence. Not only does this type of person act out his tensions, but he has no worry or remorse about his behavior. He feels no remorse because, in fact, he feels little guilt. He reacts, often with violence rather than worry, about what is bothering him. He does not learn from bad past experiences because he gives them little thought — he is simply reactive.

A sociopathic gang member may exhibit deceitful and manipulative behavior, but be likeable on the surface. When it is to his advantage, he puts on a good front, becomes outwardly friendly, and feigns repentance and remorse. Officers experienced with gang members of this personality style know, however, that this friendly disposition is only a temporary first impression.

Motorcycle gangs are particularly attractive to persons exhibiting some of the tendencies discussed above — they are mutually supportive. To the sociopathic gang member, violence is exciting and easy, since he feels no anxiety or guilt for what he has done. The group, in turn, needs his muscle to establish and maintain its reputation and to support and enforce criminal activities. The group meets his needs in turn for his daring. Since the sociopathic personality style is frequently encountered in outlaw gangs, officers who handle gang investigations have learned to use extreme caution with the members.

## Gang Women

A final important aspect of gang investigations and an aid to an understanding of gang behavior is the role of women and their association with the gang. Although women are usually not gang members, they perform an important function to many gang-related crimes. Initially attracted because of the excitement gang life offers, many women are later held involuntarily or stay out of fear. They may be the "property" of one member only or used by several gang members. The female role is that of a servant. Women are looked upon as objects to be used for sexual, criminal, or personal purposes. The women who allow themselves to remain in this role seem to be best characterized as inadequate personality types. They have relatively poor judgment, not because they do not care but because they are inept. Gang women feel guilty for failing to live up to the expectations of others; they are also less reactive to pressure than their male associates. They seem to internalize life's pressures rather than blaming others. Consequently, gang women are attracted to the dominant personalities of some gang members and are easily used by them. Because of fear and a relatively low level of self-esteem, and often simply because of no place to go, the gang "old lady" or "mama" feels unable to break away. Instead, she develops a strong dependency. Not unlike some battered women, she may even accept responsibility for being abused and may feel guilty for not living up to a gang member's expectations.

For many gang women, sex becomes a means to establish intimacy. The need for affection and self-esteem is strong, and exploitive sexual relations with male members and associates become confused with affection.

It is, in part, because of these behavioral dynamics that officers investigating gang activities often have difficulty developing gang women as informants. Fear and the need to depend upon gang men produces a loyalty that is difficult to overcome. Investigators often find gang women most helpful with information when their associations with gang members weaken and loyalties shift. Unfortunately, information received then is often outdated.

## Conclusion

The extent of criminal involvement of outlaw motorcycle gang members is extensive, and the behavioral nature of the group is complex. There is no easy path to dealing with the criminal activities of these groups. Any law enforcement officer who has investigated crimes by outlaw motorcycle gang members knows the lengthy plodding effort these complex cases require. Techniques that are, however, essential in gang investigations include the development by a gang investigator of an understanding of the group's "culture" and the ability to apply knowledge of gang personality types and behavior characteristics for the purpose of more effective information-gathering from gang members.

Reprinted from FBI Law Enforcement Bulletin  
November 1982

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# COMPUTED RETURNS AND ELECTION ANALYSIS OF PROPOSITIONS I AND J

By Dan Linehan  
Director-Southern Station  
November Election Returns\*

|                       | J<br>(Overtime) | I<br>(Retirement) |
|-----------------------|-----------------|-------------------|
| ABSENTEE              | 32.2%           | 48.6%             |
| <b>DIST #1</b>        |                 |                   |
| OUTER RICHMOND        | 43.8%           | 59.4%             |
| MIDDLE RICHMOND       | 46.2%           | 62.3%             |
| INNER RICHMOND        | 49.9%           | 63.8%             |
| Average               | 47.0%           | 62.2%             |
| <b>DIST #2</b>        |                 |                   |
| JORDAN PARK           | 40.9%           | 59.9%             |
| PACIFIC HEIGHTS       | 32.6%           | 62.3%             |
| MARINA/RUSSIAN HILL   | 38.1%           | 58.0%             |
| Average               | 40.8%           | 60.4%             |
| <b>DIST #3</b>        |                 |                   |
| TELEGRAPH HILL        | 46.1%           | 62.5%             |
| CHINATOWN             | 46.5%           | 61.6%             |
| POLK GULCH            | 52.4%           | 66.3%             |
| NOB HILL              | 47.7%           | 65.1%             |
| Average               | 48.5%           | 64.0%             |
| <b>DIST #4</b>        |                 |                   |
| WESTERN ADDITION      | 58.3%           | 65.2%             |
| HAYES VALLEY          | 56.0%           | 63.7%             |
| CIVIC CENTER          | 48.7%           | 60.9%             |
| Average               | 55.1%           | 63.5%             |
| <b>DIST #5</b>        |                 |                   |
| HAIGHT                | 61.7%           | 69.4%             |
| BUENA VISTA/DUBOCE    | 52.7%           | 65.0%             |
| NOE VALLEY            | 49.3%           | 63.2%             |
| Average               | 52.5%           | 64.8%             |
| <b>DIST #6</b>        |                 |                   |
| SOUTH OF MARKET       | 55.7%           | 58.4%             |
| INNER MISSION         | 55.4%           | 65.4%             |
| MISSION               | 59.7%           | 69.7%             |
| Average               | 57.4%           | 66.7%             |
| <b>DIST #7</b>        |                 |                   |
| DOWNTOWN/CHINA BASIN  | 50.7%           | 64.2%             |
| POTRERO HILL          | 55.2%           | 66.4%             |
| HUNTERS POINT         | 55.1%           | 58.8%             |
| Average               | 54.3%           | 61.8%             |
| <b>DIST #8</b>        |                 |                   |
| VISITACION VALLEY     | 55.2%           | 59.7%             |
| PORTOLA               | 44.6%           | 58.5%             |
| EXCELSIOR             | 46.1%           | 58.7%             |
| CROCKER AMAZON        | 45.5%           | 58.3%             |
| Average               | 47.5%           | 58.7%             |
| <b>DIST #9</b>        |                 |                   |
| INGLESIDE             | 51.6%           | 57.5%             |
| MIRALOMA/MT. DAVIDSON | 38.9%           | 56.2%             |
| GLEN PARK             | 49.6%           | 63.6%             |
| BERNAL HT/HOLLY PARK  | 54.9%           | 64.3%             |
| Average               | 48.4%           | 60.0%             |

**DIST #10**

|                    |       |       |
|--------------------|-------|-------|
| LAKE MERCED        | 36.3% | 56.0% |
| SOUTH OUTER SUNSET | 40.8% | 59.7% |
| PARKSIDE           | 35.5% | 53.5% |
| WEST OF TWIN PEAKS | 31.4% | 50.6% |
| Average            | 35.7% | 54.7% |

**DIST #11**

|                    |       |       |
|--------------------|-------|-------|
| NORTH OUTER SUNSET | 46.9% | 61.2% |
| MIDDLE SUNSET      | 38.6% | 55.5% |
| INNER SUNSET       | 54.8% | 68.6% |
| TWIN PEAKS         | 40.2% | 57.9% |
| Average            | 44.8% | 60.6% |

\*THESE TOTALS REPRESENT THE YES VOTES IN EACH NEIGHBORHOOD OF SAN FRANCISCO FOR PROPOSITIONS I AND J.

| DIST | VOTER POPULATION | RANK ORDER BY POPULATION |
|------|------------------|--------------------------|
| 1    | 69,793           | 5                        |
| 2    | 67,970           | 6                        |
| 3    | 58,706           | 8                        |
| 4    | 61,199           | 7                        |
| 5    | 93,173           | 1                        |
| 6    | 43,228           | 10                       |
| 7    | 37,270           | 11                       |
| 8    | 54,552           | 9                        |
| 9    | 77,498           | 4                        |
| 10   | 91,168           | 2                        |
| 11   | 81,213           | 3                        |

## PROPOSITION J

Proposition J passed in all the neighborhoods of San Francisco except by those people who voted by absentee ballot. Proposition J will become law on July 1, 1983. This was done for two reasons. When Mike Hebel and I co-authored this legislation six months ago we attempted to place this measure before the voters in the best political light possible. We felt that it would be attacked by certain people in city hall by calling to the attention of the voters the additional cost to this year's budget for police overtime and holiday pay. If it were to be effective on January 1, 1983. Thus we removed their fight before they could flex their muscle by allowing Prop. J to swing into action the following fiscal year, July 1, 1983. Also had this not been done the cost statement would have increased by nearly \$750,000. to cover the additional six months of 1983 (Jan. thru June).

I'm certain that this simple provision helped pass Prop. J, the first pro labor issue for the police since the police strike of 1975.

### WHAT DOES PROP. J DO?

This long overdue historical measure will allow officers who work beyond an eight hour day or a forty hour week to be compensated at the rate of time and one half. Court time, range requalification, and physical agility testing will be included under Prop. J provided that the work is done during our off duty time.

### HOLIDAYS

In the past, when an officer worked a holiday they were paid an additional eight hours. Effective July 1, 1983 officers will be paid twelve hours, or double time and one half.

Should a holiday fall on an officer's normal watch off the officer will be paid time and one half. Officers will also be able to decide if they want comp. time or the cash. Under the old system the city forced you to take comp. time only. However, the chief still has the ability to decide the level of staffing on holidays. Should he decide to close the bureau or a detail, you must take the day off, but you will be able to submit for four hours time or pay in addition to having your holiday off.

Last November 118,160 voters voted Yes. This represents 59.7% of the vote and a major victory.

## PROPOSITION I

As you know Proposition I, had it passed last November would have done two things. First, it would have created an equal disability and retirement system for the officers hired after 1976. Secondly, Prop. I would have allowed the officers hired before 1975 to have entered the new system allowing them the option of retirement without a minimum age requirement. This was done with the sergeants that have been working as like work/like pay as limited tenure lieutenants that did not pass the present Q-60 test to retire at their present level of pay. Many of our sergeants have the required time to retire for service but not the minimum age (50 years).

### WHERE PROP. I FAILED

Prop. I failed in the following neighborhoods: Outer Richmond, Middle Richmond, Inner Richmond, Jordan Park, Pacific Heights, Marina, Telegraph Hill, Chinatown, Nob Hill, Civic Center, Noe Valley, Portola, Excelsior, Crocker Amazon, Mt. Davidson, Glen Park, Lake Merced, South Outer Sunset, Parkside, West of Twin Peaks, North Outer Sunset, Middle Sunset and Twin Peaks.

The majority of these neighborhoods represent the upper middle to upper class of homes where the average annual income is between \$40,000 to \$150,000. Most of the people who reside in these areas are home owners. Their major concerns are taxes and crime. They are the conservative and moderate voice of San Francisco. The majority of the members of the Republican party in San Francisco reside in these areas.

### WHERE PROP. I PASSED

Proposition I passed in the following neighborhoods: Polk Gulch, Western Addition, Hayes Valley, Haight Duboce/Buena Vista, South of Market Street, Inner Mission, Mission, Downtown/China Basin, Potrero Hill, Hunters Point, Visitation Valley, Ingleside, Bernal Hts/Holly Park, and Inner Sunset.

The majority of these neighborhoods represent the middle to lower class of homes where the average annual income is between \$15,000 to \$40,000. These people, for the most part rent their home. Their major concerns are crime and jobs. They represent the Black, Hispanic, Gay and Liberal areas of San Francisco. They are a large block of Democratic voters, the majority party of San Francisco.

### WHY PROP. I FAILED

Prop. I failed because of the inflated cost of 17 million dollars, the 20 year retirement provision and that we had six months to smooth over the hard feelings caused by the August 1975 police strike. Many people remember those three days of no protection and are still very angry, especially in the moderate areas of San Francisco. We will never receive a passing vote in the conservative areas, but we can reduce the negative vote in the moderate areas while cementing our political base in the areas that voted for Prop. I this past November.

When you review the statistics you will see that the people who voted for Proposition I are the same people who have the lower average income, rent their homes, and are liberal in their views. All this, while at the same time, they are worried about losing their jobs when over 10 million people already lost their employment.

These people, all 85,985 of them, nearly passed Proposition I by themselves. They represented 45.6% of the vote on our issue. We must work hard to seek an additional 4.4% or 8,000 people to add to their numbers. We are a new frontier, once again a pro labor movement is beginning to roll in San Francisco. It is my hope that the P.O.A. will be there at the beach to ride that wave that will bring to us night differential, paid medical and dental, longevity pay and improved retirement and disability system for all. If we work hard on the present system and work in the community we will have many things to celebrate every November to come.

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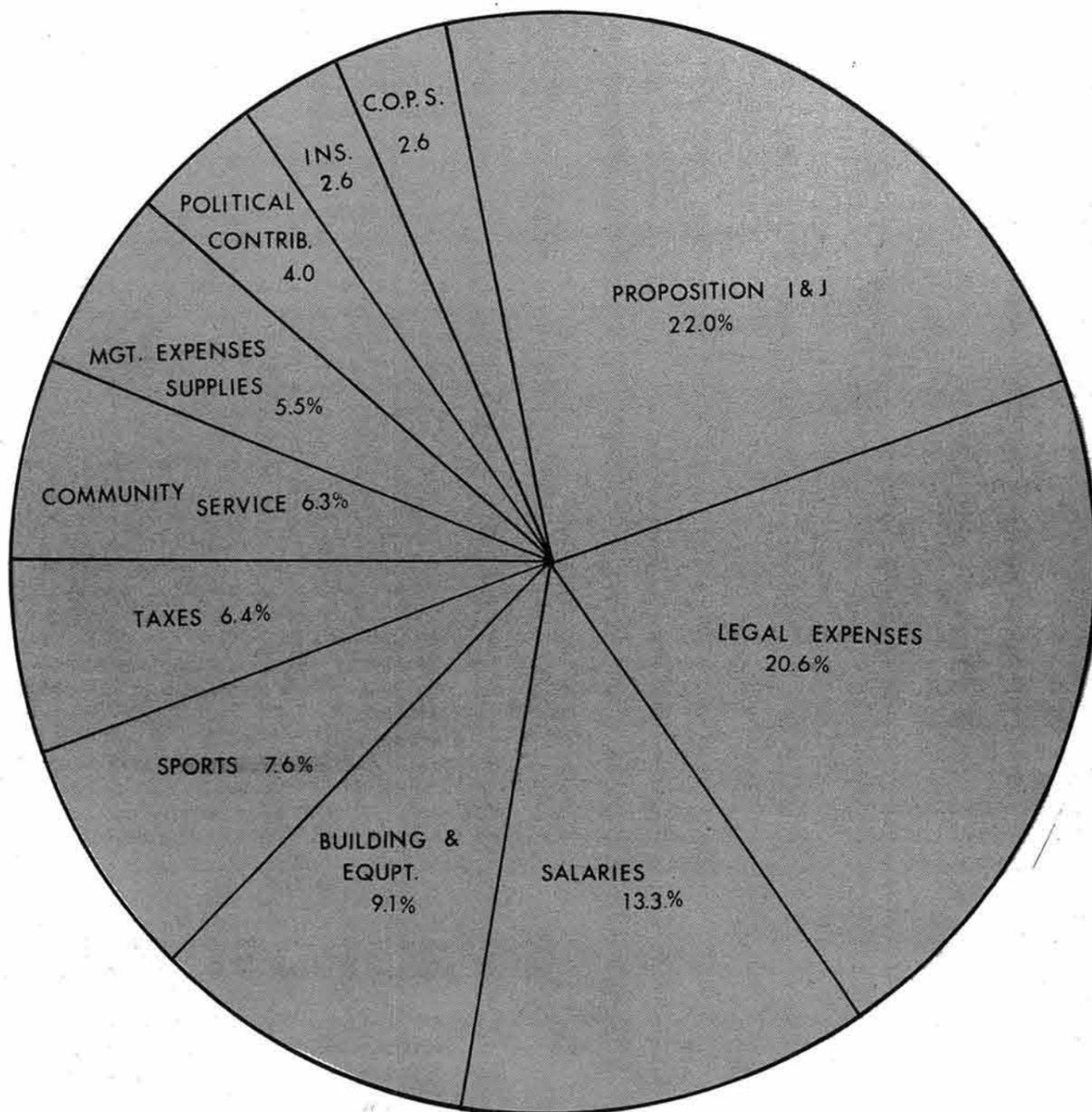
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# POA PIE - WHERE DOES THE MONEY GO?

by Duane Collins, Treasurer

Recently a petition was submitted from the membership to lower the dues to \$15.00 a month. Being the one responsible for paying the POA bills I did a little work with my calculator and soon realized this decrease would devastate the organization. It would amount to almost a 40% decrease, this is tantamount to burning down the barn because of a few mice. What would happen to your own family budget if it was cut 40%? It would sure stop you from going out to dinner, and it would also force you to make a lot of other cutbacks, unpleasant and harmful ones.

Thanks to Reno Rapagnani's streamlining of the budget, I've been able to pull these figures from the book and draw this graph so you will have an idea exactly where your money goes. Keep in mind the purpose of the POA is to provide legal service for its members, protecting and increasing benefits, and improving working conditions. To do this you need an office and a staff. As you can see the bulk of the expense is for these purposes. I will go around the chart and explain what each segment represents.



### PROP. 1 & J 22%

This is self explanatory. This expense was for our November Election campaign where we successfully won 1½ overtime for our members. This amounts to at least 6 additional days off for each of us each year. I might add, we did it WITHOUT the fire dept.

**LEGAL EXPENSE 20.6%** This includes all the expenses for attorneys who represent members before the Police Commission, Civil Service Commission, Retirement Board, State Compensation Board and many others. This also includes costs for filing and fighting lawsuits, as in the two wage suits just settled; '76-'77 and '77-'78. These could have been handled any number of ways. We could have went out on strike, we could have assessed the membership \$100 for each suit, or we could have sued using dues money. The settlements of these two suits alone could have paid your dues for 5 years.

### SALARIES 13.3%

To carry out our purpose you need people to type letters, answer phones, print bulletins, and any one of a hundred other thankless tasks around the office. Included in this is the presidents salary and the executive board salaries.

### BUILDING & EQUIPMENT 9.1%

This segment is usually one half what it is for this year. This year we purchased a Wang Computer System for the office. Rather than hire additional staff, we modernized the office. The mortgage payment on our office building is included as well as our Utilities, Janitorial and Maintenance costs.

### SPORTS 7.6%

This segment also is unusually high this year. Over 50% of the sports budget went for the Police Olympics that was held this year in San Francisco. The balance was for all the various sports activities our members are into from baseball, football, basketball to a pistol team and fencing and countless others.

### TAXES 6.4%

Like death, totally unavoidable unemployment taxes, payroll taxes, property taxes, real estate taxes, etc. etc.

### COMMUNITY SERVICES 6.3%

As a non-profit organization we have a duty to serve the community. When we hold our annual

fundraiser people ask where do these donations go? They go to the SFPD Backpacking program, the Annual Run for Youth, to several organizations such as Boys Clubs, Boy Scouts, and to the members in time of need and many many more places.

### MANAGEMENT EXPENSES & SUPPLIES 5.5%

This portion is for postage, accounting, bank charges, dues collection, elections, office supplies (tons of paper) and committee expenses.

### POLITICAL CONTRIBUTIONS 4%

This is the hottest item in the budget. Firstly it is unusually high because of the one time contribution to Paul Chignell. Without that one contribution it would be 2.4%, the smallest item in the budget. This money goes to politicians locally and state wide, political committees, and various propositions, a necessary expenditure if we are to be politically active, and we have to be active.

### INSURANCE 2.6%

Life Insurance for the members, fire insurance, building insurance, bonding for the staff and officers, etc. etc.

### C.O.P.S. 2.6%

California Organization of Police & Sheriffs. Our State Wide Political arm, the same one that gave us AB 301, the Policemans Bill of Rights. The bill that allows us the same protection as the rest of the citizenship enjoys. Before 301 we didn't have any protection.

So now the big mystery of where the money

goes has been exposed. Now there are a few things I want to add and a few questions I want to put to you, the membership. The reduction in dues amounts to \$2.57 a payday. What will you do with your windfall? Start a trust fund for the kids education? Take the wife to dinner? What happens next November when we want to go for another benefit? Will you be willing to dig into your pocket and come up with \$50, \$100, or \$150 to wage another ballot campaign? Or do we just forget about Tier II retirement and the new members? Who needs a night differential or education incentives anyway? Without money we CANNOT wage a fight to get these benefits. With the dues structure the way it is now it is a very painless way to assure yourself of the best legal defense plan going, a strong, very strong political voice locally and state wide, and a staff of people who are ready to fight for you whether it be at the Ballot Box or in Court. I urge you to vote NO on the dues reduction.

Any questions or comments contact me at TAC 1278 1000 - 1800 or the POA Office, 861-5060.

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# Search Warrants

by William Fazio,  
Assistant District Attorney

The article this month deals with search warrants. Search warrants are used on a daily basis by the Narcotics Bureau and are often used by other members of the Bureau. However, there is no reason why the patrol force could not make better use of search warrants. While some officers are skilled enough to prepare the affidavit in support of the warrant, it is preferable to have a deputy district attorney do it. In any case, a deputy district attorney should always be consulted with so he can review the facts to determine if a warrant will lie. I can be reached during office hours at 553-1210.

**A Search Warrant is:**

- 1.) An order in writing
- 2.) In the name of the People
- 3.) Signed by a magistrate

- 4.) Directed to a peace officer
- 5.) Commanding him to search for personal property
- 6.) To bring before a magistrate

**California Penal Code Section 1523**

Whenever possible, a search warrant should be obtained by conferring with a deputy district attorney. The law accords preference to search warrants and thus puts the burden on the defense to demonstrate to the court that the warrant is defective. A search warrant is based on an affidavit, usually that of a police officer, which demonstrates probable cause to believe that certain property is now located at a certain location. The affidavit may be based on hearsay and need not disclose the source of the information.

**A search warrant may be issued for:**

- 1.) Stolen or embezzled property;
- 2.) Property or things used as the means of committing a felony;
- 3.) When the property or things are in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered; and
- 4.) When the property or things to be seized consist of any item or constitutes any evidence which tends to show that a particular person has committed a felony.

**California Penal Code Section 1524**

When an officer has reason to believe that property which comes under the above description is now at a certain location, he should contact our office and set up

a meeting with a deputy district attorney to determine whether a search warrant should be issued. The officer should be prepared to relate the reasons why he believes the property will be found at the specific location. A search warrant is not limited to a search of a building, vehicles, containers, purse; the person of suspects are often the subject of a search warrant.

When the search warrant is prepared, the affiant, who provides the probable cause for the warrant, must sign and date it and get it signed and dated by a magistrate. A magistrate is defined as judge of the Supreme Court, court of appeals, superior court, municipal court, and justice courts. However, it appears the primary responsibility lies with municipal court judges.

A vital aspect of the service of the search warrant relates to the execution of the warrant, i.e., the entrance of the officers into the premises. The Penal Code requires that the officer "knock and notice." This means exactly what it says. The executing officers must announce their authority and purpose before entering any doors or windows. Penal Code Section 1531. If this is not done, the officers risk having all evidence suppressed. The "knock and notice" rule is excused if the officers can relate reasons why they would be in danger, or the occupants would be in immediate danger, such as information that the residents are armed or that there are hostages within the premises.

If, during the search, contraband, not described in the warrant, is discovered, it can be legally seized and used for evidence assuming it was found within the scope of the search warrant. In other words, one searching for drugs would be within the scope of the warrant by looking in drawers and cabinets within the described premises. If, in so doing, a sawed-off shotgun was found, the shotgun could legally be seized. However, if the warrant was for a console T.V. set, one would have exceeded the bounds of the warrant by looking in drawers and small cabinets.

When the search is complete, a copy of the warrant and a list of all property taken, must be left on the premises. The original search warrant inventory of property seized and an affidavit and the return of the search warrant must be completed and returned to the magistrate no later than 10 days from the issuance of the warrant. All property seized pursuant to the warrant should be properly marked and stored.

The use of a "paper" is an effective tool of law enforcement. Its importance in follow-up investigations and the procuring of evidence should not be overlooked.

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# AFFECTING Y.A. PAROLE

by William Hemby

What I believe could be of interest to you, as a police officer, is how you can affect the decisions of the Youthful Offender Parole Board. The Board is totally independent; not under the jurisdiction of the Youth Authority, the Legislature or the Governor. This is not to say that decisions made in individual cases cannot be swayed. This is the real world folks! Board Members are political appointees who are supposed to bring the viewpoint of the public into their decision making processes.

If you have a case where the suspect, after conviction, is remanded to the Youth Authority, don't get hung up on the court sentence. The Youthful Offender Parole Board, not the committing court, determines when, up to various maximum age and time restrictions, a ward committed to the Youth Authority will be paroled or discharged.

Even though the Youth Authority cannot keep a ward past his court sentence, very few wards, unless they are total incorrigibles, will stay that long anyway. The Board establishes a Parole Consideration Date which sets a period of time in which a ward may realistically be expected to reach parole readiness. Parole Consideration Dates are not a fixed sentence but rather a goal for the ward to achieve. Over the years, however, the PCD has been viewed as the release date, cast in bronze and handed down from the Mount. We be it to those who try to lengthen a ward's Parole Consideration Date against the recommendation of Youth Authority staff. In fact, with the "Good Time" recommendations by staff (time off for good behavior), most wards are paroled months before their PCD.

I'm not saying I disagree with their philosophy, because I am one of the people who makes the parole decisions. In most instances I agree with the staff recommendation and vote for parole. Once in a while, though, you really feel the deck is stacked against you. Here you are in this room with the ward, Johnny Jones, his parents, the parole agent and a clerk. You are presented with documents telling you that Johnny Jones is a model ward, completed high school, has started college, has never had any disciplinary write-ups, gets along with everyone, has learned a trade and has a job waiting for him. No one, including the police, objects to his going home, and the family car is outside with the motor running. The only hang-up Johnny has is he likes to rape young girls, then beat the hell out of them! Logic and staff tell you Johnny is rehabilitated and not a danger to society. Your gut tells you Johnny is a rapist and just on general principles should serve more time. Unless I have outside information to go on, chances are Johnny will get paroled. There are two other decision makers in that room besides me, and I can be outvoted.

But let's get back to how you can impact Board decisions. The most effective time to make your point is at the initial hearing. This is where we set the Parole Consideration Date and program. If the ward was involved in gang activities, was he a leader or a follower? Are there additional crimes you suspect he has committed but can't prove? What type of person was he on the streets? What kind of attitude did he display? Was there a weapon used in the crime? Be very explicit in your reports about weapons and injuries to victims. These are the two areas in which Board members make value judgments. Did the ward resist arrest? Did he strike a police officer? Was the victim a child, an elderly person, handicapped, etc.? How was the victim treated? Terrorized? Beaten? Hospitalized? Could there be long lasting aftereffects to the victim? Do you have pictures of the victim or of damage?

This information can be very valuable to the Board. Most of the information given to the Board is taken from the probation report. In many instances a great deal is left out.

It took me four months to get a policy into effect requiring the Youth Authority to include a copy of the initial police report in the ward's file. I am still fighting to get the CII rap sheet included. If you have additional information you feel will assist the Board in making its decision, you can send it to me and ask to have it included in the ward's file. On the other hand, if you know of a young offender sent to the Youth Authority that you want to help, your supportive comments can

make a difference in his treatment and length of confinement.

You can also have an effective voice at parole hearings. If you have a particularly distressing case, here are some tips. Notify the victim or next of kin to the victim he/she has a right to be alerted when the ward will come up for his parole hearing. Under Proposition 8 both the victim or next of kin and the District Attorney have a right to make an oral presentation at the parole hearing. In the victim's case there is a catch. The victim must notify the Youth Authority he or she wants to be contacted before the parole considerations are made.

You, as the investigating officer, can request to make a presentation to the Board just prior to the hearing. In most instances, out of courtesy, the Board will allow such a presentation. I realize that attend a parole hearing a hundred miles away may be a bit much. So if you can't be there in person, the next best thing is to send a letter to the Board, voicing your feelings about the case.

Under state law, the Youth Authority must notify the District Attorney, Public Defender and the local law enforcement agency where the crime was committed of a parole hearing 30 days prior to that hearing. You would be surprised how many law enforcement agencies fail to respond to that notice.

If you are an investigating officer responding to such a notification, the worst thing to do is to object to parole without valid reasons. "I don't think he has been punished enough for the crime!" does not constitute a valid reason. The Youth Authority stresses rehabilitation and when their staff believe he is rehabilitated, chances are he will be paroled. "We don't want the lousy son of a ---- back in our city!" Obviously no one wants ex-felons returning to their community, but the ward will be paroled or discharged eventually. If his parents reside in your city, that's where placement will be considered.

There are some valid objections to parole; threats of returning to harm the victim, evidence the ward will return to a gang element once paroled, considerable outrage by the community to the ward's parole, numerous letters objecting to parole, a family atmosphere that will set the ward up for failure. All of these could either slow release or necessitate a different placement location.

Even though you can't object to the ward's release, you can still affect his movements while on parole. By recommending certain parole conditions, you can impose restrictions on the ward's activities, thus making your job a lot easier. Such restrictions could not be associating with certain (named) co-offenders or gang members, staying away from the victim's residence or place of business, staying away from identified hang-outs (i.e., named bars, park club houses, street locations, etc.). Also, ask to be included with the parole agent in identifying negative peers ward should not associate with.

One way departments can establish an effective means of controlling parolees is to incorporate conditions of parole into computer ID information. In almost

every case three special conditions are imposed: 1) "No weapons" (of any kind); 2) "No drugs or alcohol" and 3) "Drug or alcohol testing at the discretion of the parole agent." If this information were available via computer during an ID check, police officers would have considerable leverage in dealing with Youth Authority parolees.

Other parole conditions such as "Not to associate with negative peers or known gang members" has wide reaching interpretation and can be an effective tool to any law enforcement officer.

You must realize parole is a conditional release. Violating any one of these parole conditions can result in detention and revocation. Departments should be encouraged to establish closer working relationships with the Youth Authority field parole offices. Some cities have had considerable success using the police, the courts and parole to monitor and restrict Youth Authority parolees' further criminality. These programs can be extremely effective in combating crime.

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# Trust Fund for Beaten Brothers

A trust account for two elderly San Francisco brothers who were assaulted three separate times has been set by the City's police department.

According to police Lt. Timothy Thorsen, the account was instituted after the department received

several unsolicited donations in the names of Herman and William Konig, 85 and 95 years old, respectively.

Contributions for the fund can be sent to police Capt. Joseph Lordan, Room 400, 850 Bryant St., San Francisco, 94103.

Police say arrangements are being made for the two elderly brothers to move to the Veteran's Home of California in Napa County.

Meanwhile, San Francisco police detectives continued their probe into the brutal beating and robbery of the aged pair by two men who broke into their Potrero District apartment and stole their life savings of \$800 Saturday.

The suspects are still at large and police have few leads beyond a description of the robbers as two windbreaker-clad men in their early 20s.

Police robbery inspector Robert Checchi said the suspected robbers are "just punks" and "the scum of the earth."

The victims were beaten with fists and left partly undressed during the rampage through the apartment, according to police.

In two other recent incidents, two different men had assaulted the brothers but were chased away from the \$60-a-month apartment on Oakdale Avenue by the elderly men's crutches and kicks.

Inspector Checchi said the brothers will be able to stay at the Yountville veteran's home because they are both World War I veterans.

As of Tuesday, the elderly pair were listed in good condition at San Francisco General Hospital.

The robbers allegedly stripped much of the clothing off the brothers in an unsuccessful hunt for cash. They eventually found a key to steal the \$800 in life savings from a kitchen safe, according to police.

Checchi said "this was an out-and-out cowardly attack for no reason."

# Consumer Corner Helps Shoppers

The San Francisco District Attorney's Office wants consumers to be on the alert for fraudulent charitable solicitation.

This is especially prevalent during the busy holiday season when legitimate and illegitimate charity solicitors are out on the streets.

"We get a lot of inquiries about this time of the year as to whether they are legitimate charities," said Laurel Pallock of the Consumer Fraud Unit of the District Attorney's Office.

Pallock is manning a Consumer Corner table at Union Square this week to educate the public about various Yuletide season scams one might encounter. Charitable solicitation ripoffs are just one example.

"Basically what we're doing down here is telling people they have rights as consumers and they should ask a lot of questions and shouldn't be pressured into buying anything they don't want to buy in the first place," she said.

Pallock has been busy warning consumers that this is the season when phoney charitable solicitors prey on the unsuspecting individual.

"We're telling people to check for the proper I.D. from these people and we're telling them not to be pressured to give money immediately...that they don't have to give cash and they can always pay later," she said.

Pallock said anyone soliciting for a charity must be registered with the Police Permit Bureau and must carry identification stating their name, and the address of the charity.

Pallock also recommends that people never make out checks to the solicitor, but to the name of the organization.

"We're getting more and more calls from people asking if we've received any complaints or any phone calls about such-and-such an organization," Pallock said.

She said the Consumer Fraud Unit has also been receiving a large number of phone calls from people who have lost small amounts of money, as little as \$5. "That's because money is important nowadays," she said.

Besides charitable groups, Pallock said the unit has fielded complaints about investment company solicitations.

Reprinted from S.F. Progress Wed., Dec. 15, 1983

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# Feinstein wants police to take a lesson from Tokyo

By Jim Kelly

They may not have to learn Japanese, but Mayor Dianne Feinstein wants the San Francisco police force to take lessons from their Tokyo counterpart in just about everything else.

Feinstein returned to her desk yesterday, rested after a week in Japan, to sing the praises of Tokyo's police for their:

**Supervision** — "Each supervising officer is held responsible for the performance of his own men."

**Crowd control** — "It's the finest I've ever seen. We saw demonstrations and how they were handled. We can learn from them."

**Training** — "Each police officer has to spend a full year in school before going out on the streets."

**Equipment** — "Tokyo police were superbly equipped. Each officer seemed to have a walkie-talkie radio. For riots

they use individual shields. Most of the squad cars looked new."

**Kobans** — "Two years ago the Japan Trade Center here urged that we consider these mini police stations for our neighborhoods. We didn't have the manpower then, and now we have 300 more officers. I'm going to have our department study the system works so well." (The mayor had earlier disclosed she would send Chief Cornelius Murphy to Tokyo.)

"For instance, one of our party had his pocket picked. We went to the nearest koban, reported it, and an undercover unit was sent out immediately," the Mayor commented.

**Attribution** — "While we were there, Tokyo police arrested the manager and staff of the New Japan Hotel, where a fire killed 33 people. The staff and manager were charged with involuntary manslaughter for failing to help the guests and for having

no sprinkler system."

In a news conference yesterday that ranged over four issues, Feinstein also said:

"She would veto a total ban on condominium conversions if the Board of Supervisors yesterday stuck with its decision of last week to halt all conversions except those applied for in 1982 and community-owned and stock cooperative units. Reluctant to embrace it entirely, the mayor saw merit in another proposal "if it is amended." She said a two-year moratorium on conversions went too far in asking a limit of 200 per year through 1984.

"Reported Japanese tour operators impressed with her personal appeal to revive San Francisco's lagging trade from that country — "I was the first mayor ever to come and thank them for what they've done for us. They were appreciative."

"Declined comment on Supervisor Harry Britt's proposed ordinance that would

grant gay and lesbian couples the same standing with City agencies as husbands and wives — "I want to meet first with public health officials who say they have information on how the measure would affect that department."

Short of copying Tokyo's kobans, Feinstein said she would "speak to the Police Commission about an increase in the number of police walking beats in our neighborhoods. I'm a great believer in beats."

"The value of kobans is that officers assigned to them know the immediate area and the people in it. They walk around, knock on doors, make themselves known, learn what's going on. It's a different culture, but we can learn from it."

Feinstein added, "No question, the system makes for less of an adversary relationship between people and police. The public cooperates when there's an investigation."

## Editor's Report

### People and the Police

By Chuck Wilfong  
Managing Editor

Having lived in Japan for more than four years, I became very much aware of the merits of the "koban" system of police protection as referenced by Mayor Feinstein upon her recent return from Tokyo. Mayor Feinstein is interested in a closer look at the system with possible implementation in San Francisco.

Like tiny match boxes scattered throughout heavily populated areas of Japan's big cities, police occupy these structures containing only the minimum of security protection and personal needs: chair, small desk, light, telephone and heater.

Manned 24 hours a day, seven days a week, the "koban" system maintains a close-in watch over a prescribed small area of the general residential section of the city.

The system serves a dual purpose: It provides the residents with 24-hour surveillance close at hand, for personal and property security, in addition to watchful eyes in case of fire.

With these small police stations manned continually, residents get to know the neighborhood police on a first name basis. The "koban" thus becomes an integral part of the people, their neighborhood and the police.

Should a crisis arise at any hour of the day and night, residents know immediately where to go. The response time for help is a matter of minutes.

Even children, at a very early age, are taught the importance of the system and become aware of the police locations.

The "koban" system is very effective in Japan as it builds daily a closer relationship between the people and police.

Trust and awareness are the inherent values of "koban."



Reprinted from S.F. Progress November 23, 1982.

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# The Right Ballpark

I've read some of the schemes for financing the new stadium, but I'm not convinced at all. I know what it's going to come down to: a bond issue proposition on the ballot for me, the San Francisco voter, to approve or disapprove. But this is all right; I'm not so sure I want the stadium half filled with condominium luxury boxes. And anyway, if the stadium can be privately financed, that can only mean that it can be a moneymaker; but if this is true, why shouldn't the city build it? Now what I don't like about these propositions on the ballot is that they simply ask 'should the city appropriate X dollars to build Y?' All the details are left to the builders and politicians whose tastes and motivations may not coincide with mine.

I'm afraid we'll just wind up with something like the Kingdome, a big gray blob of cement. (Seattleites pride themselves on how cheap it was.) This I will not vote

for. But let me spell out what I will vote for:

First let's talk about the three principles of real estate: location, location, and location. The Hunters Point site is hopeless. The stadium has to be downtown. Not at 16th and Bryant, but south of Market around China Basin, where it will benefit from the downtown population and facilities and will in turn upgrade the area. The parking lots need not be so vast as those at Candlestick, since nights and weekends all the south-of-Market parking could be utilized. Diagonal parking could be instituted on the wide streets on weekends.

Kezar had a tiny parking lot. But it worked out because of the pleasant location. Nobody minded walking half a mile or more from their own little parking discovery. I used to enjoy walking with the spirited crowds to and from Kezar through the city streets. Also, the China Basin area is within reach of various planned and existing mass transit facilities.

Next, let's talk about this roof over the stadium. It's got to be retractable. I know the builders say it can't be done. This only means they don't have a design on file insuring that they can make a profit building it. Look at the Golden Gate Bridge: conceived in the 1920's, thousands of tons of steel across a gusty space big enough for several ballparks. Now it's 1982 and we can't even roll back a flimsy awning over a baseball diamond? Ridiculous! Has American technology regressed that much?

We can't have a heavy roof here in earthquake country. Anyway, the state of the art calls for air-supported domes of plastic or nylon fabric. Whatever supports the roof is tethered to, these moorings could be movable trollies, rolling on rails. We've got wheels and rails that move 100-ton freight cars across the country, so why can't they roll a big shower curtain a quarter mile? Once in place, the air will bulge it out, crowning it so the rain will run off.

San Francisco is the perfect place for a retractable roof. Our fall days are perfect for football. I don't want to walk out of the sun and into a cement box to watch the Niners. But neither do I enjoy night baseball in the freezing winged. The retractable roof will add interest. It will give the fan confidence that he's going to have a good time. It will make the facility desirable for all kinds of special events.

Now, some general aesthetic considerations: The whole thing has to be squarish. This is dignified, classic American ballpark style. There's something sickening about monolithic curving concrete forms. Round rooms are rare, for good reason.

The thing should have a finished look, inside and out; not gray cement showing. (Even old Kezar has been painted.) Inside, how about dark green with a little red trim, like Seals Stadium. No garish orange seats like you-know-where. Plants: those fan palms beside the scoreboard at Dodger Stadium look good, but they can be outdone; let's go with redwoods and rhododendrons.

Outside, the stadium could be white. It should have some neo-classical touches; it should be San Franciscan, Victorian, world's-fairish. It should be castle-like, with pennants flying from the ramparts. Between the outer walls and the seats, there should be glass-windowed galleries like Davies Hall or the Oakland Coliseum, but with a more spectacular view. At a level above, also like Davies Hall, but more extensive, there should be open-air galleries or balconies where one could take a break, have a smoke, and enjoy the skyline and the bay.

One more point: the luxury boxes. Should everyone in the upper deck sit twenty feet further back so a few big shots can sit in front of them, swilling champagne? No way, not in my stadium. Let them buy tickets. Let them eat hot dogs! The whole thing should be one big luxury box.

A super facility will pay off in many ways for the city. When pay-TV is inevitably established, only a super downtown facility will attract the fans. What we don't need is another turkey.

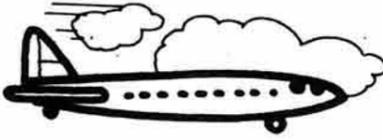
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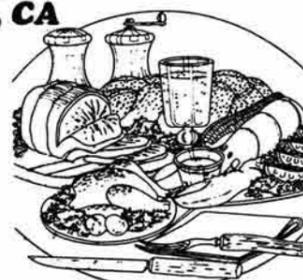
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That God should become man  
And the flesh he himself had  
Fashioned should clothe that  
Infant's hand.

Mary and Joseph had traveled  
To this far off land to register  
At place of birth as did the  
Law command. And while  
Wearry on the way, did not  
Duty stay.

At nearby cave served as home  
When Mary's time had come  
And joy was felt through out  
The land as Joseph held  
That infant's hand.

The night was cold and the  
Fuel was low and the country  
Side was white with snow but  
Oh how bright did that star  
Appear and shineth still  
Lest we stumble in this  
Day of night.

Oh mystery of mysteries  
That God should become man  
And the flesh he himself had  
Fashioned should clothe that  
Infant's hand.

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## C.O.P.S. PROPOSED LEGISLATION FOR '83 SESSION

**SUBJECT: Binding Arbitration**

Enact legislation which requires that local governments submit to full scale interest arbitration following impasse with any of their public safety labor organizations, or in the alternative, grant employees in those units the right to strike.

**SUBJECT: Criminal Law; Defenseless Victims**

To impose a five year enhancement, in addition to any other sentence, and prohibit the granting of probation for a person who commits or attempts to commit specified crimes of violence against a person 65 years of age or older, a disabled person, as defined, whose disability is known or reasonably should be known to the offender, or against a person who is under 14 years of age. In addition, the imposition of an additional 5 year enhancement and prohibition against the granting to any person who, during the course of committing specified offenses against the above described victim, inflicts great bodily injury upon the person.

**SUBJECT: Public Employees Retirement**

1) Retirement Payments

Provide that the duty of the state and all other public employers to pay employers' contributions to the public employees' retirement system is an obligation of contract and would require the payments to be made on a monthly basis. In addition, to make void any statute which would appropriate or transfer retirement funds of the public employees' retirement system for expenditure to pay any employers' contribution to the system.

2) Thirty-five Year Limitation on Safety Membership, Amendment to Government Code

Notwithstanding any other provision of law, any safety member who becomes thirty-five years of age or older while on an approved separation from service, not exceeding thirty-six months duration, will resume his or her status in this pension system as a safety member on the first day of the calendar month following his or her resumption of service.

Notwithstanding any other provision of this Chapter, any member of a Public Safety Agency who was precluded from becoming a safety pension system member due to the thirty-five year age limitation, may elect to become a member of the safety retirement system upon approval of the member's Board of Retirement, providing that the member has at least four years of service as a sworn officer, or the equivalent.

**SUBJECT: Labor and Employment; Retirement of Public Employees**

Currently, under existing law governing employer-employee relations, local governments are required to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations.

This bill would require the above specified employer to meet and confer in good faith regarding retirement benefits with representatives of organizations representing retired employees of the public agency.

**SUBJECT: Sheriff/Marshal Merger**

This bill would authorize the Board of Supervisors of every county where there is both a Sheriff and a Marshal to determine whether a cost savings could be realized through consolidation of court-related services of the Marshal's office and the Sheriff's office; and if they so determine, the Board of Supervisors would then be authorized to consolidate such services.

**SUBJECT: Peace Officers' Liability**

Under current law, a public employee is not generally liable for an injury resulting from his or her act or omission if the act or omission was the result of the exercise of discretion vested in the employee. In addition, existing law also specifies that it is an exercise of discretion for certain peace officers to render assistance to a motorist who

has not been involved in an accident, to leave the scene after rendering assistance upon learning of a reasonably apparent emergency requiring immediate attention elsewhere, or to leave the scene upon instructions from a superior to assume duties elsewhere.

This bill would, in addition, exempt a peace officer who has rendered assistance to a disabled motorist from liability for injury or damage to the disabled motorist or the disabled motorist's passengers, caused by the tortious conduct of a third party, if, prior to the occurrence of the injury or damage, the officer in his (or her) discretion has determined that their presence is no longer required.

**SUBJECT: County Retirement**

The County Employees Retirement Law of 1937 presently permits deductions to be made for insurance and health premiums. This bill would permit deductions for dental plans.

In addition, this bill would permit the Board of Supervisors, upon recommendation of the Retirement Board, to pay any portion of the members' contributions and provides that the payments shall be credited to member accounts. The matter, under existing law, would thus be subject to employer-employee relations provisions.

**SUBJECT: Peace Officers Bill of Rights Amendments**

1) Make mandatory written advisement to investigated officers that they have an absolute right to representation prior to the commencement of *any* questioning by their employer which involves coerced answers concerning the employees' actions, performance, or failure to act.

2) Provide a statutory mandate to prevent agencies from removing officers from pay status prior to the rendering of a decision at the first outside the department level of appeal.

3) Provide that the penalty for violation of any rights protected by the Peace Officers Bill of Rights is the automatic reinstatement of status position or rank, plus back pay and attorney fees and whatever other civil relief the court deems proper.

4) Under existing law, it is unlawful for any public safety agency to deny or refuse to any public safety officer the rights and protections of the Peace Officers Bill of Rights act, and gives the superior court initial jurisdiction over any proceeding by a public safety officer against a public safety agency for violations of such rights. Existing law also permits the superior court to grant appropriate injunctive or other extraordinary relief to remedy violations and to prevent future violations with regard to local public safety officers.

This bill would require the court to award attorney's fees in addition to other costs to a prevailing public safety officer; and would require the public agency to pay such fees if the public safety officer prevails; and would require the court to award attorneys' fees and/or other costs to the public agency only if the court determines that the public safety officer's action is frivolous and without merit.

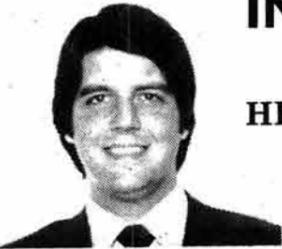


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# POLICE ACTIVITIES LEAGUE

by Herbert P. Lee  
Director of Activities



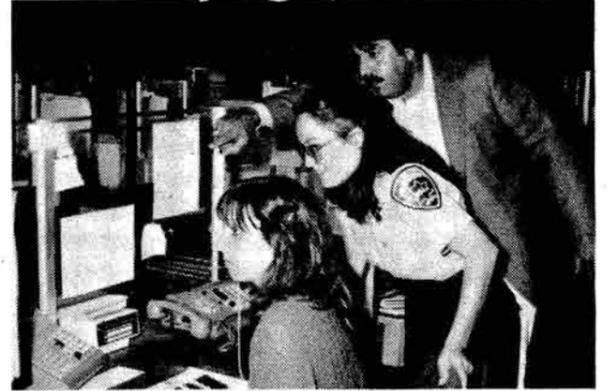
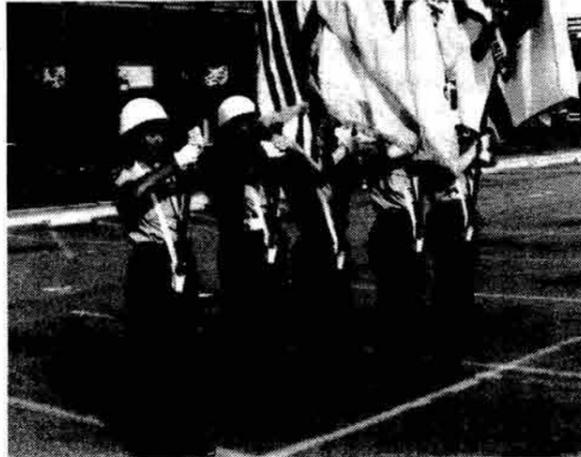
## PAL CADETS

The 1982-83 PAL Law Enforcement Cadet Program meets weekly on Tuesday nights 6:30 p.m. to 9:00 p.m. in the 6th floor Auditorium at the Hall of Justice. Since the new semester began on October 5th, more than 100 youths have signed up to be PAL Cadets. The Program will include scheduled speakers on topics such as patrol, investigative techniques, history of Law Enforcement, and criminal law. There will be tours of the county jails, coroner's office, and courtrooms. Ride-along programs, firearms safety, hunter safety, first aid, etc. will round out the semester. Other activities include, marching units, Recruit Class Graduations, crime prevention pamphlet handouts, civic functions such as children's fairs, marathons, parades, and PAL related assignments. Social functions include, fishing trips, picnics, cruises on boats, snow trips, barbecue, dances, etc. The following is a list of activities that PAL Cadets have been involved in since the semester began. To date, more than 700 voluntary manhours have been donated by the PAL Cadets. The Cadets continue to be a viable organization serving SFPD, community, and PAL related functions. The Cadet Program has experienced a 500% increase in enrollment this term. To date, the Program has 100 active members. The Program is open to any high school student in San Francisco. Call PAL Headquarters (567-3215) for signups.

### PAL CADET ACTIVITIES

Sep. 26 to Nov. 7, 1982

|          |                               |           |
|----------|-------------------------------|-----------|
| 9/26/82  | Super Senior Sunday—City Hall | 10 Cadets |
| 10/2/82  | Walt Stack Run—Fort Mason     | 15 Cadets |
| 10/7/82  | 151st Recruit Class Ushers    | 12 Cadets |
| 10/10/82 | POA—Columbus Day Parade       | 10 Cadets |
| 10/31/82 | Noe Valley Halloween Parade   | 8 Cadets  |
| 11/6/82  | Childrens Fair—Ft. Mason      | 10 Cadets |
| 11/7/82  | Childrens Fair—Ft. Mason      | 10 Cadets |
| 11/7/82  | PAL Football Joe Lacey Bowl   | 2 Cadets  |
| 11/7/82  | Veterans Day Parade           | 37 Cadets |



Communications Dispatcher Chris Curran (left) is showing PAL Cadet Feliza Dempsey and PAL Law Enforcement Director Ernie Galaviz how to route incoming calls in a recent tour.



Betty Lew (right) teaching the fundamentals of fishing to some of the Cadets. Betty is a member of the PAL Fishing Staff. Betty also volunteers her services to the Cadet Program.



More PAL Cadets on a recent tour of the Communications Facilities. Gary Mondfrans (left) is shown explaining the day to day operation.



PAL Color Guard practising formation in the recent Veterans Day Parade (rt. to left) Sgt. Alane Baca, Cadets Gina Hess, Eileen Moylan, and Karen McVeigh, Sgt. Julie Torres. The unit was led by Sgt. Bill Bermudez. The PAL Cadets placed 2nd in parade competition, the FIRST time the Cadets had ever entered. Congratulations.



PAL Cadets volunteering their services at the recently concluded San Francisco Children's Fair at Ft. Mason. (Left to right) Cadet Isiah Fields, Lt. Darren Jackson, Sgts. Jose Pubill, Stefania Fonteno, Daisy Daisug, and Cadet Kenny Lewis. The Cadets have logged in over 800 manhours of voluntary service in just two months.

(Photo by Herb Lee)



More PAL Cadets at the Ft. Mason Children's Fair



PAL Cadet Lt. Lynn Tracey responding to an order of "Attention."

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# POLICE ACTIVITIES LEAGUE

by Herbert P. Lee  
Director of Activities



## PAL BASKETBALL

PAL Basketball Program is coming to a close finish. According to Sgt. Tom Bruton (Auto) PAL Basketball Commissioner, no team has a lock on the championship. A complete wrapup will be reported in next month's issue.

## PAL JUDO

Coach Dirk Beijan reports that the PAL Judo Program has expanded in order to accommodate the many new students enrolled. Signups for beginners meet each Saturday at 10:30 a.m. in the 5th floor Gym at the Hall of Justice. Classes for advanced students are scheduled for 11:30 a.m. each Saturday. The PAL Judo Program will take a break for the Christmas holidays and the next scheduled signup for both classes is Saturday, January 8, 1983. All interested boys and girls from 10 to 18 years of age may simply show up at the above location for signups. Judo Commissioner Officer Joe Mollo further reports that signups are scheduled only on the first Saturday of each month. Other Instructors assisting in the program besides George York are: Officer Frank McKee (Co E) and Mitch Lang.

## PAL BOXING

Head Coach Bill Mateo reports that our PAL Boxing Team is preparing for the 1982 Junior Golden Gloves competition scheduled for Dec. 2, 3, 4 and 5 in Alameda. A complete wrapup will be reported in next month's column. PAL Boxing is offered to boys 10 through 18 years of age. Workouts are Mondays through Thursdays 3:30 p.m. through 7 p.m. at the old National Guard Armory, 14th and Mission Streets. Call PAL Headquarters (567-3215) for signups.



PAL Cadet Sgt. John Swan (left) accepting a dare to "hose" Cadet Lt. Lorraine Perez.



One of the new Cadets, Mark Gong, looking a lot like an Easter Bunny.



Cadet Eileen Moylan enjoying another spray of water.



Cadet Rolando Garcia as he prepares to dive into the 53 degree chilly water off the Marina.

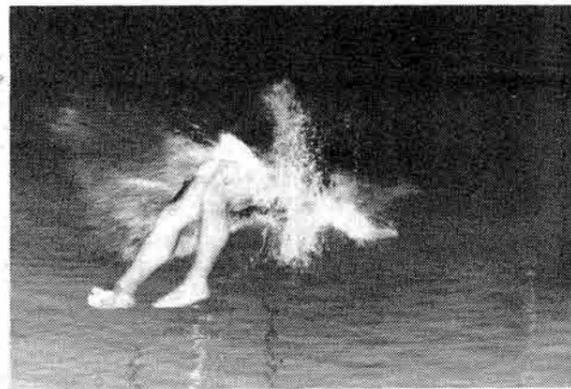


PAL Boxing Head Coach Bill Mateo (right) with some of his star pupils. Also in photo are Asst. Coaches Rio Rosa (left), John Hughes (left back row), and Erwin Bunge (rear row right).

(Photos by Herb Lee)



(left to right) Cadets Sean DiVarco, Kenny Lewis, Arun Reddy, and Isiah Fields in a spirited football game.



Now you see him, now you don't.



The PAL Cadets shown in a recent outing at the Marina. Football games, water balloon fights, and hot dogs were the order for the day.

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# PAL POLICE ACTIVITIES LEAGUE

by Herbert P. Lee  
Director of Activities




## OYSTER EATING COMPETITION

Neptune's Palace Seafood Restaurant at Pier 39 held its 1st Annual Charity Benefit Oyster Eating Competition and Guinness Book of Records Challenge Saturday, November 6th at 12:00 noon.

A total of 8 charity teams competed. The 1st place winner was the San Francisco Guardsmen team with members Bernard Poole, Bob Monden and Mark Pollacchi. They consumed a total of 340 raw oysters within the allotted 5-minute period. Second place was won by the very enthusiastic San Francisco Police Activities League team, who arrived by boat accompanied by cheer leaders and excited boosters. PAL team members consumed 290 oysters. In third place was the Easter Seal Society's team captained by KNBR's Carter B. Smith with a total of 265 oysters eaten.

Additional team competitors were Special Olympics, Epilepsy Society, Lighthouse for the Blind, Sickle Cell Anemia and United Cerebral Palsy.

The Individual Competition—This event had a 3-minute time limit and was governed by the Guinness World Book of Records for Oyster Eating. Edward Sweet of Vallejo received 1st place with a total of 144 oysters (3 1/4 lbs.). It must be noted that Mr. Sweet also competed in the team competition for the Special Olympics team.

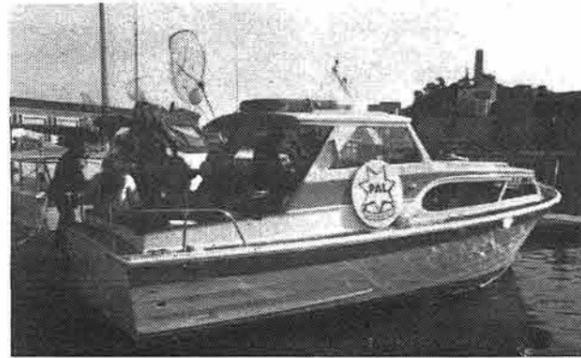
A special award was won by 7-year-old Jeanna Downey of Clayton who ate 33 oysters in just 3 minutes.



Victory celebration as the PAL Team scores 2nd place in a field of eight teams. PAL Fishing Captain (middle) George Fromm is between the girls. 2nd prize was \$1,000.00 worth of publicity for the PAL. NICE GOING, GIRLS!!



(left to right) PAL Raw Oyster Eating Team Members Bob Tuttle, Tommy Collins, and George Raleigh. The PAL Pom Cheerleaders are (left) Marla Miles and (right) Lil Cowan flanking Miss Oyster.



Enroute to the great Raw Oyster Eating Contest held recently in Neptune's Palace on Pier 39 by boat as Officer Ed Collins (Academy) prepares to get underway and transport PAL Boosters to help cheer the PAL team on.



Platters of the slippery, slimy bivalves were quickly dispatched to Oyster Heaven.

(Photo by Joe Miles)

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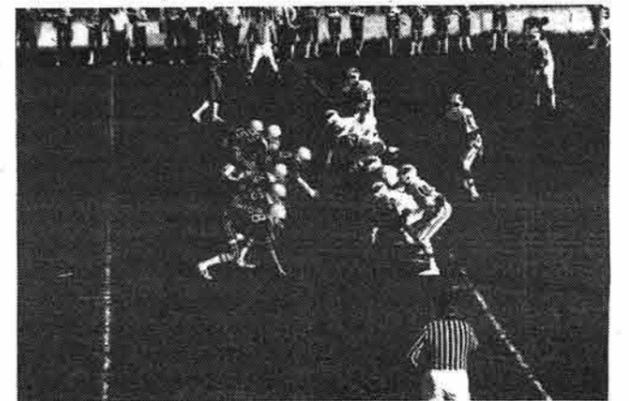
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## PAL SEAHAWKS

### RUNNER-UP IN NORCALFED CHAMPIONSHIP

It was a beautiful, balmy, sun-drenched day at Washington High Football Field on Saturday November 20, 1982 when two football titans collided head on for the Northern California Federation Championship Game. The PAL Seahawks, under head coach Bill Garrick, sported a 10 to 0 season while the Anderson-Cottonwood Wildcats under coach Adam Trent qualified for this Championship Game by defeating the Oroville Rhinos 39 to 12 the week before, and matching the record of the Seahawks with an impressive 10 wins and no loss season.

Two busloads of fans and parents accompanied the team from Anderson, CA, a thriving community between Red Bluff and Redding on I-5. Seven pretty cheerleaders rounded out the contingent. The PAL Cadet Color Guard presented the colors and the game got underway with Inspector Kelly Waterfield (Recruitment), Commissioner of PAL Football doing the play by play, ably assisted by spotters Danny Trent and Troy McCoy from Anderson, CA. The Seahawks received the opening kickoff and were unable to move the ball and had to kick deep inside their territory. Defensive tackle Steve Bell of the Wildcats drove straight through two



Youth football action. See article for the full story.



defenders and blocked the kick which was recovered in the end zone by teammate Paul Rivers for a 6 to 0 lead. The PAT missed. With one minute to the half, QB Troy Sisneros of the Wildcats unloaded a 46 yard pass play

continued on page 27

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# POLICE ACTIVITIES LEAGUE

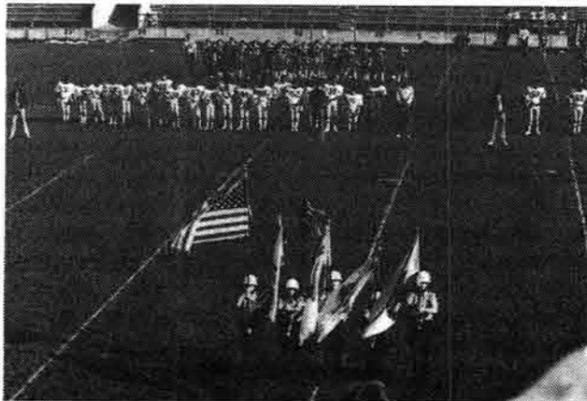
by Herbert P. Lee  
Director of Activities



## PAL SEAHAWKS

continued from page 26

to a streaking Scott Edwards for a TD. The conversion by kicker Tony Hermann was good making the score 14 to 0 (youth football rules allow 2 points for a kick). In the 3rd quarter, misfortune again beset the Seahawks as a punt was blocked and Wildcat defensive end Brent Peach alertly snagged the ball and ran it back 4 yards for a TD. Hermann again kicked the PAT to make the score 22 to 0 in favor of the Wildcats. In the 4th quarter, running back Matt Gilliss of the Wildcats ran for a 24 yard touchdown, and adding a third successful PAT by Hermann, made the score 30 to 0. The PAL Seahawks then came to life as they marched upfield 80 yards capped with a 2 yard plunge for a touchdown by quarterback Steve Collins. The point after run by Jimmy Garnett made the score 30 to 7. After a series of punts, the PAL Seahawks again struck with wide receiver Tony Wiley receiving a short pass from QB Collins, and outrunning the entire Wildcat defense with a great 35 yard touchdown. The point after run was good making the final score Wildcats 30 PAL Seahawks 14, and the Anderson Cottonwood Wildcats became the NORCALFED Midget Division Champions. PAL Football Commissioner Kelly Waterfield and NORCALFED Deputy Commissioner Sid Jordan then presented the following trophies: Outstanding Defensive Player for the Seahawks Deandre Mitchell; for the Wildcats Steve Bell. Outstanding Offensive Player Seahawks Demarco Byrd; for the Wildcats Matt Gilliss. Winning Wildcat Head Coach Adam Trent, beaming with pride, then accepted the 3 foot high team trophy from Sid Jordan. Coach Trent thanked the San Francisco PAL for sponsoring the event and stated that a great time was had by all.



The NORCALFED Championship Football Game. PAL Color Guard presents colors prior to kickoff.



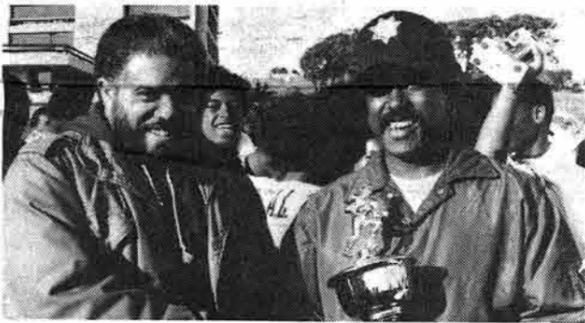
PAL Coach Garrick is shown with two of his stars in the PAL Seahawks team (left) Robert Allums, quarterback, and (right) Demarco Byrd, fullback. Allums was injured in the game and was unable to play in the Championship Game. (Photo by Lynn Tracey)



Winning Head Coach Adam Treat (center), of the Anderson Cottonwood Wildcats, is shown accepting the NORCALFED Championship Midget Division Trophy from Sid Jordan (left), Deputy Commissioner. At right is Inspector Kelly Waterfield (Recruitment), PAL Football Commissioner. (Photos by Lynn Tracey)



Anderson Cottonwood Wildcat Steve Bell is shown after being named the outstanding defensive player. Wildcat Matt Gilliss (not shown) won for outstanding offensive player. (Photo by Lynn Tracey)



PAL Head Coach Bill Garrick of the PAL Seahawks (right) accepting the PAL City Championship trophy from Kelly Waterfield thus qualifying them to meet for the NORCALFED Championship Game. (Photo by Lynn Tracey)



Some of the Wildcats cheerleaders with PAL T-Shirts, gifts from the San Francisco PAL.

# SPORTS

## GOLF CLUB NEWS

Friday, November 19, 1982 started out as a beautiful clear day. This was at the end of the week that was predominantly rainy and wet. Out of the original one-hundred players who had signed up to play only forty-six finally decided to play. Many of those who decided not to play made that decision late the day before when it was still raining pretty hard. As it turned out, except for about a twenty minute downpour right in the middle of the round, it was a perfect day. Of course in twenty minutes a person can get soaked as I can attest to.

The low gross winner was Con Nichols and for the second time in three months we couldn't break eighty for the low gross score. Tough golf course.

The low net winner was Bruce Jones who shot ninety-two and with his twenty-six handicap has a net sixty-six.

The flight winners were: First, Jerry Cassidy, Dave Minner and Dave Kranci; John Cavalli, John McClelland and Telly Sletvedt; third, Warren Omholt, Bob Cirimele and Joe Allegro Jr.; fourth, Don Mahoney, Jack Ahern and Ray Poznekoff.

The hole-in-one winners were Dave Kranci who almost holed one out at fifteen with a shot that was only twenty inches away. Bill Lee was second with a shot 11'3" away. Bill also won the guest flight and was followed by Bob Lall.

This year is coming to a fast close. By the time this article is in print the Sunnyvale tournament will be history and the year ended. The 1983 schedule is almost complete and proves to be as good as any in the last few years.

For those who are unfamiliar with the golf club it is open to all active and retired members of the San Francisco Police Department. We play monthly tournaments at bay area golf courses and try to have a go away tournament once a year at a place like Reno or Monterey.

Anyone interested send a \$10. check made payable to S.F. Police Golf Club to: Jerry Cassidy - Co. K Solo's - Rm. 150 Hall of Justice.

## BRASS POLE RUN

by Pat White

Members of the 153rd Recruit Class ran the Brass Pole Run in Oakland a short time ago. This was a 10 kilometer race and they all finished. These runners are:

- |                   |                  |
|-------------------|------------------|
| Joe Finigan       | Dennis Norris    |
| Dennis Fitzsimons | Dean Sorgie      |
| Bruce Huddler     | Denise Whitlock* |
| Diane Neary*      | Steve Zukor      |

\*first time they were ever in a race.

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## DISABILITY PENSIONS

continued from page 1

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 Appeals Board after the industrial disability retirement was awarded by the Retirement 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%).

In 1969 and prior years, a member automatically received 75% of salary when awarded an industrial disability retirement. When that person becomes eligible for a service retirement (having obtained the age and years in service), no part of his retirement is taxable since the 75% would exceed whatever service retirement he may have been eligible to receive (50-70%).

### 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 Tier II Retirement System — POST 1976 — are not entitled to a disability rating since their disability is statutorily 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-taxability 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 calendared for a rating conference. An informal rating based on medical reports in evidence is then obtained from the Disability Rating Bureau; the rating best obtained is presented to the judge for purposes of having the rating fixed in an award of fixed by stipulation of the attorneys involved.

### 1982 TAX RETURN

The completion of the U.S. Individual Income Tax Return for 1982 requires that pensions and annuities be reported on the front sheet of form 1040 at lines 16 and 17. The computation for completing lines 16 and 17 is found on a worksheet provided at page 10 of the U.S. Income Tax Forms and Instruction package which is sent to all taxpayers. Line 16 is for the reporting of fully taxable pensions and annuities. On line 16, for example, all service pension monies, remaining after all exclusions have been made to the Retirement System for monies which the member had already contributed to the Retirement System, are reported.

Lines 17 (a) and 17 (b), along with the worksheet on page 10, are for the reporting of industrial disability retirement pensions. Only the taxable amount, if any and computed in accordance with the worksheet on page 10 of the instructions, should be reported at line 17 (b).

It should be kept in mind that the Retirement System in January of each year forwards to each member receiving an industrial disability retirement a form W-2P 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 17 (a). A police officer or firefighter who has received an industrial disability retirement and does not report such amount on line 17 (a) 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 retirement after being eligible for a service retirement or who received it before being eligible but who becomes eligible for a service retirement, the reporting can be complicated. It requires consideration of the facts that (1) The total amount previously paid into the system by the police officer or firefighter will not be returned within 3 years and therefore may be excluded; (2) The permanent disability award fixing a rating and (3) The percentage by which the service retirement exceeds the industrial disability retirement. All three (3) factors are used to determine the taxable amount of an industrial disability retirement.

### AUDIT OF PRIOR YEARS

In my experience in working on these matters, I have found that approximately 20-25% of the amount received pursuant to an industrial disability retirement,

## A POLICEMAN'S LOT / Tom Flippin



after reaching the age of service retirement, is taxable and the remaining amount is excludable from gross income.

Members wishing advice on this are urged to contact the welfare officer 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 (a)(1) 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.

### NEW TAX WITHHOLDING LAWS

At present, the San Francisco Retirement System does not determine the taxability or non-taxability of the payments it makes to retired police officers or firefighters. It simply makes the payments and reports all payments made on Form W-2P, a copy of which is filed with the IRS and another copy given to the retired person. Through December 31, 1982, a retired police officer or firefighter receiving a service or disability pension could elect to have a portion of the benefits withheld for federal income taxes by the Retirement System. Beginning on January 1, 1983, the Retirement System is required to withhold a portion of your benefits for federal income tax purposes, unless the Retirement System believes that all or a portion of the amounts paid are not taxable or unless you direct them not to make such withholdings. Since the Retirement System does not distinguish between taxable and non-taxable payments, it will undoubtedly withhold against all payments unless a retired officer or firefighter elects not to have any withholding.

However, the Retirement System has advised me that it will not be able to comply with the new law until June, 1983. From January 1, 1983, until June of 1983, the Retirement System will continue to withhold or not withhold as it did through 1982. The Retirement System plans to issue a notice regarding the new withholding procedures to all retired police officers and firefighters in its bulletin in the near future.

You should consider whether or not federal income taxes should be withheld from your pension. The usual objection to withholding is that the government gets the use of your money well before the tax date of April 15th and you lose the interest or other income you could have earned by investing the money. However, some people will favor the withholding because it will reduce or eliminate the need to make quarterly estimated tax payments.

Police officers or firefighters who receive taxable service pensions or partially taxable disability pensions should weigh the advantages of having tax withheld versus receiving the funds currently and investing them. Police officers and firefighters who are not subject to tax on their disability pensions should probably not have amounts withheld from their pensions. An IRS agent could improperly view withholding on non-taxable amounts as an "admission" by the firefighter or police officer that he or she considered the amounts received to be taxable.

### 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 pay for a period of up to 365 calendared days for any one injury sustained in the line of duty. An Internal Revenue Service's memorandum dated July 28, 1978 and the Rulings which were discussed in this article have nothing to do with the taxabilities of those monies. Since they are in the nature of a workers' 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 in-

jury keeps the officer from performing 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 returned 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 in a light duty capacity are fully taxable.

### FRANCHISE TAX BOARD

The Franchise Tax Board of the State of California treats taxabilities of monies received pursuant to an industrial disability retirement in the same manner as does the Internal Revenue Service. Revenue and Taxation Code 17138 is substantially similar to Section 104 of the Internal Revenue Code. Both the Federal government and the State government are in accord as to the manner in which industrial disability retirement monies are to be taxed. Therefore any member receiving an inquiry from the Franchise Tax Board concerning the manner in which he reported monies received from an industrial disability retirement should use the same procedures contained in this article for reporting monies on form 1040 to the Internal Revenue Service.

### SURVIVING SPOUSE

Payments made to the spouses of firefighters or police officers who are killed in the line of duty or who, after retirement (for service or industrial disability) die as a result of the industrial injuries, are also entitled to favorable tax treatment for monies received from the Retirement System.

If the police officer or firefighter was killed in the line of duty prior to being eligible for a service retirement, Revenue Ruling 80-14 holds that benefits paid to the surviving spouse during the spouse's lifetime are completely excludable from gross income under Section 104 (a)(1) of the Internal Revenue Code.

The question becomes more complex when the police officer or firefighter who dies, leaving a surviving spouse, has already reached eligibility for a service retirement or has in fact retired for either a service or industrial disability retirement. Revenue Rulings 72-291 and 80-84, pertaining to beneficiaries of deceased firefighters (also applicable to police officers), hold that benefits received by these beneficiaries are excludable from gross income under Section 104 (a)(1) of the Code if the recipient can establish either that (a) The benefits are received under the service connected death provision or (b) That the benefits are received under the retirement provision and that the employee on account of whose death the benefits are paid was retired under the service connected disability provision of the Charter at the time of the employee's death. These holdings appear to indicate that if there is a determination that the death was caused by occupational injury or illness, then payments to their surviving spouse are not subject to taxation.

However, it should be noted that in my experience representing beneficiaries of deceased police officers that the Internal Revenue Service takes a position that they should be treated in the same manner as their deceased spouse for tax purposes. This means that if part of the deceased spouse's retirement monies were being taxed, the Internal Revenue Service asserts its right to tax that same percentage when it is received by the beneficiary.



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