

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

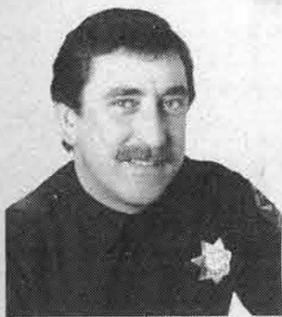


Member of COPS - California Organization of Police & Sheriffs

VOLUME 18

SAN FRANCISCO, MARCH, 1986

NUMBER 3



President's Column

By Bob Barry, President

SEAL BEACH 'QUO WARRANTO' SUIT

Last month, State Attorney General John Van de Camp gave final approval to the Police Officers' Association to initiate a law suit against the City and County of San Francisco regarding the adoption, by the voters, of three charter amendments in the mid-1970's that were adopted in violation of state law.

Proposition "P," passed in 1975, changed the police and fire salary formula.

Proposition "L," passed in 1976, cut retirement benefits for new police, firefighters and miscellaneous employees.

Proposition "F," passed in 1978, eliminated the cash buy back of unused sick leave for city employees.

In 1984, in the "Seal Beach" case, the State Supreme Court ruled that cities and counties MUST meet and confer with employee organizations prior to placing charter amendments before the electorate. The city failed to meet and confer on those amendments.

On February 7, in response to the Attorney General's opinion, the San Francisco Police Officers' Association initiated the law suit against the City and County of San Francisco in the superior court. Needless to say, it will be a difficult case to try and it will take a considerable time for resolution in this matter — approximately three years.

The Los Angeles based law firm of Silver, Kreisler, Goldwasser and Shaeffer will be handling our case. Bill Shaeffer, the attorney who won the "Seal Beach" case and

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"Let The Courts Decide"—State Attorney General

SEAL BEACH VICTORY

By Dan Linehan
Secretary

On February 7, 1986 the POA filed with the Superior Court, *People v. City & County of San Francisco* (File #852915). This action is the result of the dedication by the POA Board of Directors in pursuing and maintaining benefits for our members. The basis of this suit is found upon the illegal actions of the San Francisco Board of Supervisors, when placing three (3) Charter Amendments, removing benefits, without the state mandated requirement of the meet and confer process.

Meyers-Milias-Brown Act

The Meyers-Milias-Brown Action (MMBA) was adopted into State Law in the late 1960's. This Act stated that local governments must meet and confer, in good faith, with recognized employees groups on changes of wages, hours and other term or conditions of employment. The POA is seeking to overturn three (3) Charter Amendments that were placed on the ballot, in violation of MMBA, and were approved by the voters.

The POA challenges:

- Proposition P adopted in November 1975 which changed the formula that was used to set wages for police officer and firefighters. Prior to the change police and firefighters' wages were based on police officers in California cities with a population of 100,000 or more. The salary increase could not be more than the highest wages paid to police officers in the surveyed cities.

- In August of 1975 the Board of Supervisors proposed the change to survey only those California cities of a popula-

tion of 350,000 or more.

- Proposition L adopted in November, 1976 changed the disability and retirement formula for police officers and firefighters. The older system (Tier I) allows for retirement after twenty-five (25) years of service at age fifty (50) at fifty-five percent (55%) of the highest years salary. After twenty-five (25) years of service, an additional four percent (4%) is given, to a maximum of seventy-five percent (75%).

In August of 1976, the Board of Supervisors proposed to change this system for officers and firefighters hired after November 1, 1976. These officers in the new system (Tier II) can retire at age fifty (50) with twenty-five (25) years of service at fifty percent (50%) of the average of three (3) highest consecutive years' salary. After twenty-five (25) years of service, an additional three percent (3%) is given to a maximum of seventy percent (70%).

The major change is in the area of the cost of living adjustment (COLA). The COLA under the old system (Tier I) is one-half (1/2) the dollar amount of the salary increase for active police officers. (Example: If the salary for police officers increased by two hundred dollars (\$200), retired officers would receive one hundred dollars (\$100) as a cost of living adjustment.)

- Under the new system (Tier II), the COLA is two percent (2%) of the dollar amount that is awarded upon retirement. (Example: If a Tier II officer retires at one thousand dollars (\$1,000) a month, two percent (2%) of that is twenty dollars (\$20), each year that officer would receive an additional twenty dollars (\$20) to live on until death.)

- Proposition F adopted in November, 1978, changed from payment to non-payment upon death or retirement any unused sick leave accumulated after December 4, 1978.

Seal Beach Decision

In August of 1984, the State Supreme Court unanimously ruled that local governments have the requirement to meet and confer under MMBA. The POA now seeks to apply this decision to these Charter Amendments. We expect the City Attorney to fight this case based on statute of limitations violation. However no statute or case law is clear on this point. The issue of time only, is expected to

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YOUR POLICE OFFICER DEDUCTIONS

By Mike Hebel
Welfare Officer
Attorney At Law

The Internal Revenue Code provides that all income must be reported to the Internal Revenue Service. It does not compel or command taxpayers to report all their deductions in ascertaining the tax that is due to the United States Government. Police officers, due to the nature of their work, are entitled to particular deductions which are incurred necessarily in the course of their employment. Additionally, police officers who are members of this Association are entitled to other deductions which they should not overlook.

UNION DUES

Section 62 of the Internal Revenue Code provides that an employee may deduct from adjusted gross income when determining taxable income, labor union dues and initiation fees and out of work benefit assessments. Labor union assessments for sickness, accident and death benefits are not deductible as business expenses. Last year (1985) all members of this Association paid \$329.40 as **Union/Association dues**. These are properly deductible on Schedule A under miscellaneous deductions.

CHARITABLE CONTRIBUTIONS

Section 170 (c) of the Internal Revenue Code provides

that contributions made to a foundation, fund, committee, trust or corporation which is organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes are properly deductible from gross income. In 1984 members of the Association who contributed to the Community Services Committee of the Association paid an **annual fee of \$12.00**. This is properly deductible since the Committee is organized and operated exclusively for charitable purposes.

MISCELLANEOUS DEDUCTIONS

Section 62 of the Internal Revenue Code and Regulations 1.162-1 provide that an employee, in the case of a police officer, may deduct certain expenditures if they are ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade, business, or profession. To be deductible, the police officer's expenses must be ordinary and necessary in carrying on his employment in law enforcement. The determination of what is ordinary and what is necessary is based on a factual examination of the particular expense. Expenses are ordinary if it can be expected to arise with some degree of consistency in the particular

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Retirement Dinner For Rose Galindo

RETIREMENT DINNER



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POLICE POST #456 NEWS

February 1986

I guess by this time we are through correcting our mistakes on our daily correspondence, checks, bills, etc. and have finally resigned ourself to putting down 1986 instead of 1985. It takes a long time to break a habit that we have had for over 365 days.

Some trivia news which you might or might not be interested in. Did you know that the longest recorded flight of a chicken was 306 feet 8 inches? Maybe someone can use that information.

Some news which is of prime importance is directed to those of you who have not taken advantage of a Cal-Vet home loan as yet. It provides disaster insurance which covers earthquakes, floods and other natural calamities for only 10 cents per \$100.00 valuation. Before 1985 no insurance companies offered such insurance and now that they are forced to offer it, the cost is prohibitive, with deductibles which can run into thousands of dollars. If you have not taken advantage of this as yet, you had better get moving.

Speaking of habits, which I mentioned earlier in this column, please check to see if your membership dues are currently paid up. I need not belabor the point any further. It will help your Post officers carry out the various programs that we are so vitally concerned with.

Some of the older members will remember former Assemblyman Tommy Maloney. When we were out campaigning for benefits we always had a staunch ally and a strong spokesman in Tommy Maloney. He was not a member of the American Legion but was a valuable friend to policemen. He passed away in January of this year and S.F. Police Post #456 sends its condolences.

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

Your Scribe,
John A. Russell

March 1986

I must humbly apologize for not getting my February column in on time due to a misunderstanding as to the final date for submitting. The new system keeps us well ahead of the printer which is a good thing. I will watch closely for any future changes.

A woman said to her sleepy husband at breakfast, "Sure your waffle was tough and dry. You ate the potholder". Never do anything when you are half awake. It's just like the saying that you can't fool all the people all the time. Highway interchange signs come pretty close, however.

The American Legion is well into the year and Police Post 456 is well represented on the various Commissions. This entails a lot of work on the part of the individual member who is on a Commission. We have always been active on the Oratorical, Law and Order, and Convention City Commissions. If you think it's just a little bit of work, try it sometime. We can't have the same members year after year. We need fresh blood. If you can, get involved.

Did you hear about the couple who received gift bottles of Scotch and Irish whiskey? Later the guy told a friend that he thought the Irish whiskey was definitely stronger than the Scotch. "What makes you think that?", asked the friend. "My wife and I drank the Irish whiskey and then got up this morning and went to six o'clock Mass." "So what does that prove?" "We're both Methodists", the man explained. I never knew booze of any description kept you in or out of church. Too much of anything is not good except our dedication and devotion to God and Country and our devotion to mutual helpfulness as stressed in our preamble.

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

Your Scribe,
John A. Russell

San Francisco Veteran Police Officers Ass'n.

MEETING:

The regular monthly meeting of the San Francisco Veteran Police Officer's Association will be held on Tuesday, February 11, 1986 at 12:30 P.M. at Miraloma Improvement Club, 350 O'Shaughnessy Blvd., San Francisco, California.

PRESIDENT'S MESSAGE:

I would like to thank you for giving me this opportunity to serve you for the coming year.

If you have any problems regarding the Association, please bring them to my attention at your earliest convenience.

The Association is in need of a new chief cook. If you know someone who would like to serve for the year 1986 let me know.

Libert G. Myers, President

SOL WEINER REPORT:

Any member wishing employment, should contact Sol at the Police Credit Union.

SICK CALL:

Shelby Ryan and William Valentine are both sick.

NEW MEMBERS:

Cornelius P. Murphy, John Bulen, Richard Wineand and Jerry Williams. We welcome you into our Association.

IN MEMORIAM:

Bernard Shea 12/14/85 and Larry Furlong 12/26/85.

Just a reminder that when sending mail to the Association, please send it to the P.O. Box 22046, San Francisco California 94122. The mail at the post office box is picked up twice a week. Some members are sending mail to 350 O'Shaughnessy Blvd., mail is not picked up for a month as we only have a monthly meeting at that location.

Regarding identification cards for retired members, the law was changed on January 1, 1981. Anyone retiring prior to January 1, 1981 and in good physical and mental condition, his I.D. card to carry a gun is good for a lifetime. Members retiring after January 1, 1981, their I.D. card is good for five years. At that time they must qualify at the range in order to get a new I.D. card to carry a weapon.

We have eight members who have not paid their 1985 dues. The matter of their suspension from the Association will be taken up at the February meeting.

Attendance last meeting 114
BOB PARDINI, SECRETARY

Membership 784

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- 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.
- The editor reserves the right to add editor's notes to any article submitted, if necessary.
- Articles should be typed, double-spaced.

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The FLSA Amendments of 1985 and Policing: Avoiding the Pitfalls

The Fair Labor Standards Act ("FLSA") Amendments of 1985, enacted on November 13, 1985 (Public Law 99-150), will become effective on April 5, 1986. The Amendments will change significantly the compensation rules under which state and local government have traditionally paid their law enforcement officers and other employees. Failing to comply could prove very costly, including substantial backpay liability and punitive damages.

Applying FLSA wage and hour standards to public safety employees presents serious problems. Complications are created by the demands of law enforcement work, i.e., round-the-clock scheduling, special details, and the intensive nature of police employment, as well as from the FLSA requirements themselves.

The need for clarity in this field requires a serious effort by all concerned to insure compliance and avoid unnecessary costs. Therefore, the Institute for Police Research has scheduled three regional conferences on FLSA and law enforcement. These conferences bring together (a) experts in FLSA regulation, enforcement and litigation; (b) legislators responsible for the 1985 Amendments, and (c) specialists in police operations and labor-management relations. The focus of the conferences will be upon problems anticipated in FLSA enforcement and their solutions. Representatives of law enforcement, public sector law, finance and administration, as well as police labor relations are urged to attend.

The Amendments come in the wake of the Supreme Court's February 1985 decision in *Garcia v. San Antonio Metropolitan Transit Authority*, its confused regulatory aftermath, and a great deal of resulting misinformation.

Shortly after the *Garcia* decision which upheld the application of the FLSA to public employment, the United States Department of Labor advised all local governments that it would require compliance with federal wage and hour standards effective April 15, 1985, and the Labor Department enforcement of the law would commence on October 15, 1985.

Law enforcement agencies moved quickly to seek compliance. However, they faced a complex and confusing set of rules. They were also burdened with having to abandon traditional police wage and hour practices which relied on the extensive use of "comp time." Some departments renegotiated labor contracts; others attempted a "buyout" of "Comp time banks"; still others worked to develop and understand the complicated "gap time" system. Some awaited further guidance from the Labor Department.

On November 13, 1985, Congress responded to these difficulties and changed the rules of the game once again. The 1985 FLSA Amendments not only set out a new series of legal requirements; they also provide that none of the old rules apply during the period from February 1985 to April 5, 1986, and that the new rules will go into effect on April 15, 1986.

Faculty

Stephen I. Schlossberg, Deputy Undersecretary of Labor for Labor-Management Relations, U.S. Department of Labor

Congressman Austin J. Murphy, (D-Pa.) Congressional Sponsor of the 1985 FLSA Amendments; Chairman, U.S. House of Representatives Subcommittee on Labor Standards

Thomas R. Donahue, Secretary-Treasurer, American Federation of Labor-Congress of Industrial Organizations

Patrick Murphy, U.S. Conference of Mayors, Former President, Police Foundation; Former New York City Commissioner of Police, Former Chief of Police, Washington, D.C., Detroit, Michigan and Syracuse, New York

Robert Kliesmet, President, International Union of Police Associations, AFL-CIO

Susan Meisinger, Deputy Undersecretary of Labor for Employment Standards, U.S. Department of Labor (Washington and Houston only)

Carin A. Clauss, Esq., Professor of Law, University of Wisconsin School of Law; Former Solicitor, U.S. Department of Labor

Thomas Lamb, Staff Director of the U.S. House of Representatives Subcommittee on Labor Standards

James Valin, Director, Wage and Hour Division, U.S. Department of Labor (San Francisco only)

Larry Jones, Legislative Representative, National Association of Counties

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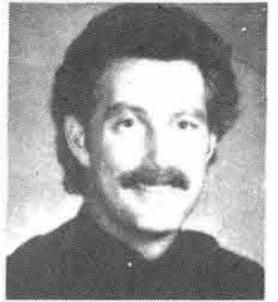
Michael Leibig, Esq., Zwerdling, Paul, Leibig, Kahn & Thompson, Washington, D.C.; General Counsel, IUPA, AFL-CIO, and Adjunct Professor in Public Sector Labor Relations at the Georgetown Law Center

Robert Barry, President, San Francisco Police Officers Association (San Francisco only)

Tommy Britt, President, Houston Police Association (Houston only)

Treasurer's Column

by Duane Collins



MONEY

Election Reform

A few weeks ago, Capt. Beene of the Tactical Div. asked me to remove an old POA mailbox from the TAC Office. The mailbox had been brought over by a division member who was going to take it home for God knows what. The member was transferred out and there the mailbox sat for several months. I was preparing to take it back to the POA Office when I noticed it had a lock on it?? Being the inquisitive person I am, I promptly removed the lock. Reno Rapagnani and Ted Schlink stood by as observers. Much to our surprise we found ballots inside — hundreds & hundreds of opened ballots in neat bundles of about 100 each. A couple bundles were removed and examined. By looking at the post marks and candidates names, I realized that these were from the January, 1985 election. I quickly took the ballots from Reno & Ted, put them in the mailbox and returned it to the POA Building. I notified Pres. Barry and the Screening Committee of this find.

A few days later, I was told the election committee keeps these ballots for a year until the next election and then they are destroyed.

I think time for a reform is at hand. Given some of the very close races of the recent past (the 1983 Presidential election was decided by less than 30 votes).

I would like to suggest adding a couple of procedures to what we already have. Our current system with the election committee, the review/protest period, and the destruction of the ballots is satisfactory but I would suggest the addition of an outside accountant hired by the Board of Directors to certify the count and the introduction of a third envelope so the member's name does not appear on the outside when it is dropped in the mail. This would eliminate the temptation to sabotage the ballot of a known supporter of a particular candidate.

Any other suggestions would be appreciated as I am sure this is going to be a hot topic in the near future thanks to Brother Schlink.

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NEVIN SEEKS SEAT HELD BY LOU PAPAN

By John Curry
San Mateo Times Staff Writer

DALY CITY — Michael Nevin, a Daly City city councilman and San Francisco police inspector who has been in politics for a decade, Monday became the first announced candidate for the 19th Assembly District seat being vacated this year by incumbent Louis J. Papan, D-Millbrae.

Nevin's entry is the latest in a political chain reaction started last Tuesday when State Sen. John F. Foran, D-San Mateo-San Francisco, announced he would not seek re-election in the 8th Senate District, which covers north San Mateo County and much of the southern end of San Francisco.

Papan, whose 19th Assembly District covers most of the 8th, promptly announced he would seek Foran's seat, and

was followed quickly into the race by San Francisco Supervisor Quentin Kopp.

With Papan's post open, Nevin leads what may be a string of hopefuls, with several prominent local names being mentioned as possible candidates.

Included among them are K. Jacqueline Speir of the San Mateo County Board of Supervisors and a Democrat and Republican James Tucker, another Daly City councilman, who once ran against Papan.

But Nevin, 42, a 20-year police veteran in San Francisco, claimed he had been "encouraged by a broad spectrum of respected citizens" in the district since he began checking around last Wednesday for potential support.

He said that so far he has the backing of Foran, Rep. Sala Burton, D-San Francisco, Daly City Mayor Tony Giammona and councilmen Al Teglia and Jane Powell, San Mateo County Coroner Paul Jensen, and San Francisco Public Defender Jeff Brown.

Senior citizens groups, organized labor, law enforcement associations and prominent neighborhood businessmen also are behind him, Nevin said.

He sees himself as a moderate, middle-of-the-road Democrat, "not a Rose Bird type," referring to the liberal rulings from the state Supreme Court under Bird, the chief justice.

Nevin ran unsuccessfully for San Francisco sheriff in 1976 but was a popular choice for the Daly City council

in 1982, when he led a field of 14 candidates. He was mayor in 1984. His council term expires this year.

The first hurdle will be the primary election in June, where Nevin will face an unknown number of other Democrats. He said he plans to take a leave of absence from the San Francisco Police Department "to campaign vigorously for this important position."

He started as a patrolman in 1965 and became an inspector in 1972. He has worked in many different details, auto theft being the latest.

He was born and raised in San Francisco and moved to Daly City 15 years ago. He and wife Kathleen have three children, Mike, 17, Michelle, 15, and Tim, 13.

"During my years as a police inspector tracking down criminals I came to realize that efficient and responsible government was as important as good police work in protecting citizens," Nevin said of his political ambitions.

"That is why I've devoted my off-duty time to community and government activities." He added that he thought his city council experience would be especially valuable to him in Sacramento.

Reprinted from San Mateo Times

MIKE NEVIN ANNOUNCES CANDIDACY FOR NINETEENTH ASSEMBLY DISTRICT SEAT

Mike Nevin, Daly City Councilman and San Francisco police inspector, announced today that he will seek the Democratic nomination for Assemblyman representing the Nineteenth District in San Francisco and San Mateo counties.

Nevin, 42, who has long been active in community affairs in both counties, said he had been encouraged to enter the campaign by "a broad spectrum of respected citizens in all communities within the district."

His supporters include such elected officials as Congresswoman Sala Burton of San Francisco; Mayor Tony Giammona and Councilmembers Jane Powell and Al Teglia of Daly City; Assemblyman Art Agnos of San Francisco; Paul Jensen, coroner of San Mateo County; Jeff Brown, public defender of San Francisco; and State Senator John F. Foran of San Francisco and San Mateo counties.

Nevin has the backing of many leaders of senior citizen organizations, organized labor, and law enforcement associations as well as prominent neighborhood businessmen.

"During my years as a police inspector tracking down criminals I came to realize that efficient and responsible government was as important as good police work in protecting citizens," Nevin said.

"That is why I have devoted my off-duty time to community and government activities. I have found this a very rewarding experience and I would like to serve the citizens

of the Nineteenth Assembly District in the State Legislature."

Nevin said he would describe himself as a moderate, middle-of-the-road Democrat.

"My experience as a city council member in resolving problems in my own community will be valuable to me in Sacramento," he noted.

Nevin said he would take a leave of absence from the San Francisco Police Department to "campaign vigorously for this important position".

The 19th Assembly District seat is now held by Democratic Assemblyman Lou Papan who is running for the Senate seat being vacated by the retirement of Senator Foran, also a Democrat. The district consists of the cities of Daly City, Colma, Brisbane, Pacifica, San Bruno, South San Francisco and parts of Millbrae and the southwest portion of San Francisco.

Nevin was elected to the Daly City Council in 1982, receiving more votes than any other candidate in a field of 14. Nevin served as Mayor of Daly City in 1984.

He has been a police inspector since 1972, and started with the San Francisco Police Department as a patrolman in 1965.

Nevin was born and raised in San Francisco and has been a home owner in Daly City for 15 years. He and his wife Kathleen have three children, Mike, 17; Michelle, 15; and Tim, 13.

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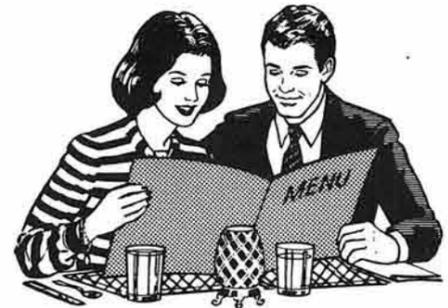
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Sergeant John A. Sterling is a 15 year veteran of the San Francisco Police Department. His career followed the standard course at first. Upon graduating from the police academy, John Sterling served at Park and Northern Police Stations. John's quick wit, amiable personality and ability to communicate not only endeared him to his peers, but made him a natural selection for undercover assignments.

Sergeant Sterling has served undercover in the Narcotics and Vice Crimes Divisions, the Property Management Division (Sting Operation) and most recently as part of the Tactical Investigation Unit.

His outstanding performance has earned him three commendations from the Police Commission for excellence in investigations, and three Medals of Valor for his role in apprehending armed suspects, twice involving exchanges of gun fire.

It is indeed rare that an individual puts forth the character, the tenacity, and the perseverance that makes him or her a treasured asset to an organization. John Sterling is such a person, but that is not the reason we have nominated him for this recognition.

We mention these achievements so that you too can appreciate the contributions of John Sterling not only to the San Francisco Police Department, but to law enforcement throughout the State of California. For Sergeant John Sterling has taken his God given talent with art and translated it into practical application, making him one of the finest police artists in the nation today.

Sergeant Sterling's drawings bear such a close resemblance to their subjects that in many instances it looks as though the suspect sat and posed for the sketch. The quality of his work is illustrated by the importance of the cases it has assisted.

Most recently his sketches led to the arrest of the South of Market Rapist. His sketches also led to the arrest and conviction of the Zebra Killers of the early 70's, the Keys Rest Home Rapists of 1980, the arrest/conviction of the See's Candy Store Killer of 1983, and countless rape, robbery and homicide cases since.

Beside providing this service to the police, John Sterling



also provides sketches in coroners cases providing an artist rendition based upon skeletal remains. His work in this area is so well recognized that he was utilized in the retrieval of Juan Corona to draw five of the unidentified victims using only a skull as a basis. At least one victim was identified based on John's work.

By producing the high quality art product that he does, John Sterling establishes a vital link in the investigative process. He transforms the words of victims into an image.

That image is reproduced and disseminated to the officers in the street. Those officers now have the necessary probable cause to detain, investigate and hopefully arrest those responsible for these crimes.

Some of the most ruthless criminals to prey upon our citizens languish in prison tonight because of this fine officer who does in fact prove, that in his hand, the pen is mightier than the sword.

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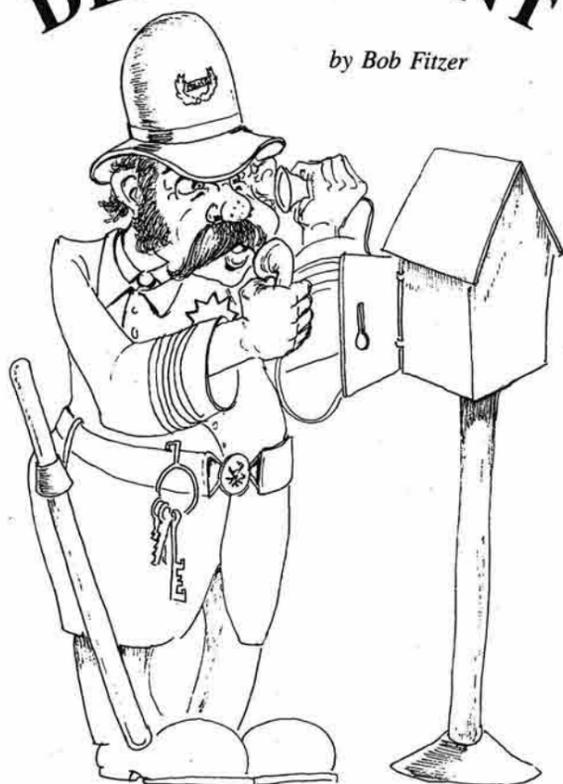
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AROUND THE DEPARTMENT

by Bob Fitzer



It's practically old news now, but congratulations to the new **Chief of Police Frank Jordan**, and his new command staff. Lets not forget now retired **Chief Murphy**. He took over the reins after a much controversial **Charles Gain**, and did what he could to bring the department to a higher level of standards. We can only let history judge us all.

Attention you softball players in the Concord area. **Mike MAHONEY**, (Co.D) is looking for recruits for a softball team so contact him for further information.

While on the subject of Mission station; it took me a couple of visits but I finally found the station "aquarium" that **Steve MROZ** mentioned to me a couple of months back. It is indeed a wonder and I was fortunate enough to see

a couple of "denizens of the deep" floating by. I don't feel so bad about taking so long to find the aquarium because I asked **Gary MANINI**, several times and he didn't have any idea what I was talking about.

Two Q-2's tied the knot last month . . . Congratulations to **Joe MIGNOLA** (Co.A) and his bride **Mitchell "Mikey" ROBERTS** (Co.B). You had better start working on some deductions with that combined salary, or give **Duane COLLINS** (TAC div) a call to do your income tax. Duane has a tax prep business that specializes in police officers.

Speaking of deductions . . . Any contributions made to the Police Museum, are deductible. (You receive a letter of acknowledgement from the **Friends of the Police Committee**) So if you have an old items, ie, uniforms, books, equipment, badges etc. sorry, old cops can't be donated, let me know.

Another milestone for our department. The Crime Lab, Crime Scene Investigations section has brought in its first female officer since its inception in 1957. Officer **Marsha ASHE**, was selected along with officers **Dan LOMIO**, and **Dave ZANARDI**, from over 100 candidates who applied for the position. A little tip for those of you who might consider a transfer to this unit. A couple of evidence and/or fingerprint courses like those offered at City College, might help give you the necessary background.

What has **YOUR PD** been up to lately? It would be safe to say that the questionnaire now being distributed through out the department from the **Civil Grand Jury** is partly a result of meetings with **YOUR PD** spokesmen and the co-chairs of the Grand Jury.

It seems that President Marcos is not the only election under investigation. It seems that when the old POA ballot mail box was removed from the TAC office hundreds of ballots were discovered inside. There is some dispute as to whether or not there were unopened ballots discovered. These were from the general election of officers in January 1985.

A little pistol pointing . . . The department pistol team is looking for shooters for this season's matches. If you are interested drop me a line and I'll send you a schedule of events and what's required. We are going to need more people especially since our team captain **Duane OTIS** (Robbery), broke his shoulder at the International Police Winter Olympics. I hear that he is convalescing nicely and received plenty of attention around the lodge.

For you police patch and badge collectors there will be a show at the POA building on March 16. It starts at 10am but I'm informed that if you get off the mids you can just come on over around 8am to work your trades.

I mentioned last month about questions for the **San Francisco Trivia** game and I'm pleased to say that several were submitted. **Mark Gordon**, the creator of the game is offering it (the game) to members of the department at a substantial discount. If your interested in picking one up, drop me a line.

In the interest of Trivia; if you can tell me the only San Francisco Chief of Police to be knighted, you win a t-shirt.

Sadly, in memorium . . . **Inspector-Sergeant Raymond W. Driscoll Jr.** who passed away Jan 24, 1986, of an illness.

IN REBUTTAL: Those of you that have expressed differences of opinion as to what I write are welcome and received in the spirit that they are given. I support your right to contest and I apologize to those deserving people that I may have offended. I will however continue to express opinions submitted to me whether or not the contributors request to remain anonymous. Actually I'm surprised that so many people read the column.

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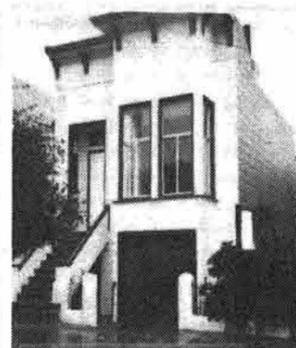
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TRUE CONFESSION

by Tony Novello
confessor

When the mailperson brought the February issue of this tabloid, along with the usual smattering of junk mail and assorted bills, I went through my usual routine. I put the POLICEMAN aside, nothing on the front page held my interest at the time. I started the "junk pile," envelopes and inserts accompanying the charge account statements, and unopened junk mail. I would read the POLICEMAN after checking the PG&E bill, assured that our Winter conservation efforts had reduced the bill down to the level of the National debt. I paled when I discovered that the utility bill fell 85° short of matching my mortgage payment. I just lost all interest in reading the paper and came close to losing my lunch. When the cocktail hour rolled around that evening (moved ahead considerably, no thanks to PG&E). I poured myself a small tumbler of Beefeaters, threw in a few ice cubes, and settled down on the couch with the POLICEMAN. Front page. Mike Hebel painfully reminding me that I haven't contributed my two grand to my IRA for 1985. Three months to put together two grand. Have to do it, for it reduces what I will owe this year to Uncle Sam and my only hope to survive with the Tier II "mirage" pension. The need for IRA money returns my mind again to the bloodsuckers from PG&E and a decent pull from the glass of Beefeaters temporarily numbs my anger. I've got to get off this and on to some light reading. Find Bob Fitzer's column, fast! I need a pleasant reprieve. Find out who had a baby — who was my favorite cop — little harmless gossip, a refreshing column. There it is. Page 5. Relief. Pleasantness and then inference that POA Federal Litigation Committee members suspiciously have all been promoted I swear my heart stopped. I felt myself trembling. My hands could barely hold onto the paper. Beefeaters all over the couch and coffee table. Face instantly wet with an eerie, cold sweat. ZOUNDS!!!! CRIPES!!!! We've been caught. Busted my mind reeled confusion anger fear more fear!!! Then suspicion, paranoia. Did Fitzer figure this out all by himself? Doubtful. There had to be a leak from within. I was sure we had covered our tracks carefully. All details had been worked out, hashed and re-hashed. We had covered all the contingencies. Caught shamed for life!!!! Who was the leak? Who was "Deep throat?" Doesn't really matter, we have been caught. Pour some more Beefeaters, drink same. Then it hit me. Every scandal has its "John Dean." I'll expose all — name names — no punches pulled.

THE CONFESSION

It all started several years back on a Tuesday night after a POA Board meeting. I popped into the house, grinning ear to ear. "Say hello to your Lieutenant husband," I greeted my wife. The little woman looked up from her book and asked me if I was out drinking after the meeting. "Aren't you a little premature?" she queried. "You haven't even taken the test yet." "The test?" I scoffed at her gullability. "Just a formality, my dear. Just a formality. You see, I've just been put on the Federal Litigation Committee." Together, we went into the den, packed up the books, binders, notes, outlines, flash cards, and study

guides and shared a bottle of wine as we burned the study material.

Several months later, the Federal Litigation Committee held "THE MEETING." Not in the POA building, mind you, for this was the meeting wherein the promotions were to be given out. We met in a darkened alcove at the Nut Tree restaurant. We all drove up there in separate cars. We all wore shades, most adorned Fedoras. Four of us were testing for Lieutenant. The first decision made was to avoid suspicion by not placing one of us in the number 1 position on the list. We decided to go for #2. It was also decided it would look better if all four of us didn't make it on the first test so we opted to put three of us on the first list and 1 on the second. We drew straws and I paled as I pulled the short one. I would have to wait for my appointment, but it was for the good of the Committee and an appointment later is better than none at all. I quietly thanked God I was on the Federal Litigation Committee. Lots were then drawn for the honor of being number 2 on the list and John Willet smiled quietly when he pulled the winning lot out of a Fedora. Jack Ballentine and Al Casciato argued over the next appointment and Jack backed down and gave way to Al after receiving what was perceived as a threat spit out by Al in some foreign tongue. Ballentine, long known for his twisted sense of humor, gloated as he unraveled a bizarre scheme to make the list on a protest. The killer was, he would make it based on someone else's protest, not one of his own. Great knee-jerking and back-slapping ensued.

On to the Sgts. test. We felt it best on this one if not all of the Committee members made it. It was decided that one person would have to bite the bullet. Straws drawn. Poor Sherman Ackerson came out on the short end of the straw. He was a trooper about it though. All for the good of the Committee, you know, for we were taking care of Bob, Mickey, and Roy. The meeting concluded and the results forwarded to the "powers to be." As they say, however, the best laid plans of mice and men When we got the Sgt/Insp. lists, (several days before they were made public, of course, because we were the FEDERAL LIT. COMMITTEE) our plot was almost exposed. Much to our chagrin we found they had given the number 12 position to Dan Linehan (a member of the COMMITTEE, of course). We had to make a quick call across the street to

the Hall and tell "them" that Dan had not taken the test. (Although we did toy with the idea for a while of letting it go through with his name on it).

That's it, the whole dirty story. Bob, you did yourself proud exposing the scandal of all scandals. Jack Anderson, eat your heart out!!!

One final thought for Bob to consider. You might consider giving up your position as curator of the Police museum and re-direct that time and energy to serving on the Federal Lit. Committee. You need all the help you can get.

* * *

Author's footnote: The morale in the Dept. is the lowest I've seen it in 19 years. Continually keeping the fires stoked with rhetoric about "lotteries" and "Consent Decree Sergeants" and the like is not helping the Department return to some state of normalcy. I fully understand the frustrations many have gone through. Suggesting that POA leaders and the Federal Lit. Committee have been "given" jobs ostensibly to shut them up is the height of paranoia and a very cheap shot. Suffice it to say feelings were hurt. My satire was an appropriate response. Cheap shots beget cheap shots.

As they say in the firehouse — "If you can't catch — don't pitch.

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RETIREMENT PLANNING SEMINAR

As we begin to think about winding down our careers in Law Enforcement, most of us are well aware of the pleasures, but few are aware of the perils of retirement.

The misconception that one has that when retirement comes around it will take care of it self. Most experts on the subject agree that one should start planning his retirement 5 years prior to actually retiring. Some people plan more for a 2 week vacation then they do for their retirement. For those who take the voyage seriously and do the right kind of planning will find that when the Golden Years are with us that they will be more enjoyable and a lot more fun. To that end, the San Francisco Police Department in conjunction with the San Francisco Police Officers Association is conducting our first of our two yearly retirement seminars.

It will be held in the auditorium of the Hall of Justice on Saturday, April 26, 1986 from 0900 hours to 1530 hours. The cushion seats will be more comfortable for those attending with arm rest so notes can be taken. Pencils and note pads will be furnished to all who attend.

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Jerome Defilippo	Estate Planning	1230-1400
Ms. Shelia Verna	Finance Investments	1400-1530

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CHIGNELL, FAGAN, RAPAGNANI, MALONEY, AND DEIGNAN ELECTED TO BOARD OF DIRECTORS

By Mike Nevin

The results of the 1986 POA Board of Directors elections are in and have been tabulated with four (4) new Board members elected and one incumbent re-elected.

In the Bureau of Investigations **Paul Chignell** and **Alex Fagan** defeated **Jerry Schmidt** for two positions representing the members of investigations and related units for the next year. Chignell was the top vote getter and returns to the Board after a one year absence. Chignell previously served on the Board from Taraval Station in 1972 and 1973; Northern Station from 1974-1979; Vice-President from 1979-1985 and interim President in late 1985. Chignell declined to run for the Board in 1985 and now returns.

Alex Fagan was elected to represent the Bureau of Investigations in 1984, re-elected in 1985 and now begins his third term. Fagan is currently assigned to the Narcotics Unit.

At the Tactical Division, **Reno Rapagnani** defeated the incumbent representative Don Wollard to return to the

Board of Directors. Rapagnani had previously served on the Board representing Taraval in 1979, Tactical in 1980, 1982, and 1984. He was also elected POA Treasurer in 1981.

At Ingleside Station, Editor of the San Francisco Policeman **Peter Maloney** defeated the incumbent **Jim Murphy**. Maloney was first elected to the Board of Directors in 1982, re-elected in 1983 and now returns again to represent Co. H. Maloney has been the Editor of the POA paper since 1983.

At Central Station, **Jim Deignan** defeated **Jeff Smith** to represent Co. A for the calendar year 1986. Deignan made his first race for the POA Board a successful one and replaces **Sherman Ackerson**, who declined to run again.

Other members of the Board of Directors were unopposed. The Executive officers, President, Vice-President, Secretary and Treasurer come up for re-election in January 1987.

SEAL BEACH VICTORY

continued from page 1

reach the State Supreme Court. The projected time is approximately three to five years. This case has potential landmark value, that will affect employees throughout California. We will stay on top of this suit leaving no legal stone unturned.

Feinstein's Request Denied

Because the City & County of San Francisco violated State Law (MMBA), the legal steps necessary took us to the door of State Attorney General John K. Van De Kamp. Mr. Van De Kamp is the only person in California empowered to allow our suit. His decision is final and without appeal. A great deal of pressure was placed upon him to deny our request. In fact, Mayor Feinstein personally lobbied Mr. Van De Kamp, injecting politics in a purely legal matter. We were not surprised at the Mayor's tactics. We thank Mr. Van De Kamp for his resistance to political pressures and for allowing the Courts to decide, after debate in Open Court, this very-very important issue.

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A LOOK TO THE FUTURE

The Event: Superbowl XXIII

The Scene: Stanford Stadium, Palo Alto, California. ABC Broadcast Booth.

Frank: This looks like quite a match up gentlemen. The 49ers come into this game with the league's leading offense, led by the highest rated passer in the history of the NFL, Joe Montana. The Raider's got here by way of their punishing defense, but the recent injury to Lester Hayes leaves them somewhat vulnerable in the secondary.

O.J.: I agree, Frank. The 49er offense has been all but unstoppable this year. Montana's coming off another brilliant year and Roger Craig has blossomed into the premier running back in this league. I see this as a one-sided contest.

Joe: I see it the same way guys. I look for the niners to notch out a bit of history today with a victory over the Raiders. Should they win, they will have won five Super Bowl titles, picking up the proverbial 'one for the thumb' that eluded the Steelers in their glory years.

Frank: About the only unknown factor in today's game will be the recently formed Consent Decree Unit, which will be overseeing its first NFL contest. The unit is still somewhat shrouded in mystery and what outcome, if any, it will have on this game is yet to be seen. Its goal of conference parity is a worthy one indeed, with the NFC winning all but one of the super bowls played this decade. Joe will be monitoring their booth and attempting to give us some insight into their plans from the game. We take you live to Joe now, in the consent Decree booth with its newly appointed coordinator, Way Rong.

Joe: Well Frank, it looks a bit more complicated than we first thought. I just interviewed Mr. Rong and it seems that the consent decree unit has made some pre-game changes. Hold onto your hats fellas, but we're going to play this game without benefit of 'point disclosure'.

Frank: That's a new one on me Joe. What do they mean?

Joe: Well Frank, it seems that the consent decree unit is reserving the right to assign any amount of points it wishes to the standard methods of scoring. For example, a touchdown, which normally counts for six points, can now be assigned any number of points. But that's only the first problem. The real zinger is this, they won't tell anyone how many points these scores are worth until after the game.

Frank: Thank you Joe. That's quite a development from the consent decree booth. San Francisco has won the toss and will be receiving the ball in the south end zone. Superbowl twenty-three is under way.

THIRTY MINUTES LATER

Frank: That does it for the first half, as both teams repair to their respective lockerrooms for the halftime break. To recap the first half of play, the niners took the opening kickoff 102 yards for a touchdown, and then managed to put the ball into the end zone on each of their next three possessions. The Raiders have been sputtering on offense, generating only one score, a field goal late in the second quarter. Considering that the niners converted each of their scores, by traditional means we would have a 28-3 game.

O.J.: Frank, we're getting word from the niner locker-room that Bill Walsh is demanding that the consent decree unit assign points to the various scores that have been made in this game. The niners are apparently refusing to play the second half of this game until the point assignments are made. To quote Bill Walsh, "We don't want to leave the door

wide open for later manipulation." We have Joe live again in the consent decree booth.

Joe: Well Juice, the consent decree unit has found there to be adverse impact in the first half scoring against the AFC representative, the Raiders. Way Rong has assigned 'conference conscious' point values, whatever that means. All touchdowns will count as one point. All extra points will have no point value. Finally, all field goals will count for the traditional three points. This sure helps out the struggling Raiders, instead of a 28-3 rout, we're back to a 4-3 lead for the niners. This game will be decided in the second half of play.

Frank: Quite a development Joe. It sure flies in the face of all traditional score keeping methods. There's the kickoff to open the second half.

FIFTEEN MINUTES LATER

Frank: The 49ers continue to dominate this game on the field, if not on the scoreboard. The 49ers came up with three more touchdowns and held the Raiders scoreless for a third quarter score of 7-3. We have a new development in the consent decree booth, back to you Joe.

Joe: Here we go again gentlemen. Word is just in from Way Rong that the fourth quarter will be judged on 'style' points. It seems that for the final period, all normal methods of scoring have been suspended. Touchdowns, extra points, field goals, they all count for nothing during this final period of play. A select panel of football experts has been appointed by Mr. Rong to assign style points to each team in this quarter. The criteria for these points is somewhat sketchy and subjective. The only direction given the experts by Mr. Rong was this, and I quote, "The NFL is bound by a federal consent decree to achieve conference parity. The NFL is looking to produce winning teams from the AFC". Back to you Frank.

FIFTEEN MINUTES LATER

Frank: What a game! Total domination on the field by the now world champion 49ers. They have just written history folks. An unprecedented fifth win in

Super Bowl competition. The final score in this contest is 49ers 8, Raiders 5. The niners again managed to get into the end zone, but it was all for naught. Their fourth quarter touchdown will of course be disallowed, but they did pick up one 'style' point for the tremendous catch in the end zone by Dwight Clark. The Raiders again failed to score, but were awarded two 'style' points when their entire defensive unit 'moonwalked' from end zone to end zone.

O.J.: I'm inside the lockerroom of the world champion 49ers. The champagne is flowing freely down here. Here comes Joe Montana now...

Frank: Excuse me Juice, but we have a new development in the consent decree booth. Joe, what's going on down there?

Joe: Sorry Frank, but it seems that the 49er celebration might be a bit premature. I have Mr. Rong here by my side, and he has some rather surprising information for all of us tuned in to this American Classic.

Rong: The consent decree unit has found there to be gross adverse impact against the AFC. To eradicate this problem, a reweighting of the game has been made. The first three quarters of play will have no points assigned to them. The points scored in the fourth period will be the total points allowed for each team. The Raiders have won Super Bowl twenty-three by a score of 2-1. Conference parity has been achieved in the NFL.

O.J.: Frank, the niners are in shock. They just watched Rong on closed circuit T.V. and haven't realized the full impact of his decision yet. I don't care what the consent decree unit says Frank, the 49ers are the real winners of this game.

Frank: Perhaps Juice, but it's the Raiders who'll be wearing the rings.

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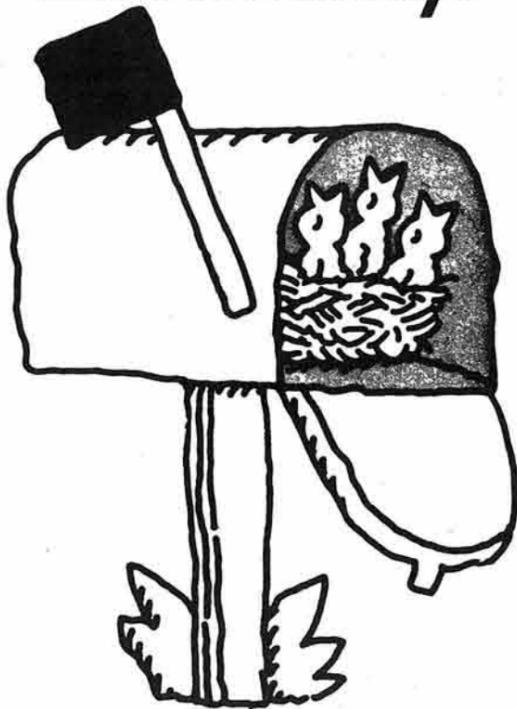
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NOT SO TINY, TIM MAKES THE GRADE

*By Larry Gurnett
D/C Investigations*

Upon assuming my duties as Deputy Chief of Investigations Bureau, I was immediately confronted with an in-box some four inches deep. The third item down caught my eye: A memo from then Lt. Mike Pera of the Robbery Section along with another from **Capt. D. Philpott** addressing a major administrative faux pas. It seems that almost twenty-five years ago a young Inspector, our own **Timothy Francis Casey**, was detailed to the Robbery Section on a 'temporary loan' basis. Over the years that followed Inspector Casey performed to the very highest standards of the Bureau of Inspectors and established himself both within and without the department as one of the finest robbery in-

vestigators our department has ever produced. During those twenty-five years, Tim Casey continued his duties on a temporary loan basis. He saw many younger and less experienced investigators come into the detail on permanent transfers. Never once did he complain; it bothered him though that his service to the department was not rewarded by a permanent transfer to his section.

What to do then? Was this just an administrative oversight? Was it a probationary problem; had Tim in fact successfully completed his probation?

With the wheels set in motion via Capt. Philpott and Lt. Pera's reports the Chief quickly righted the oversight with a special personnel transfer assigning Inspector Timothy F. Casey, to the Robbery Detail in a permanent capacity with full seniority rights.

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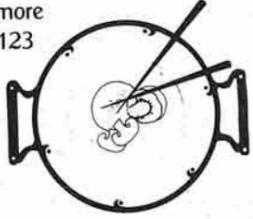
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continued from page 1

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YOUR POLICE OFFICER DEDUCTIONS

continued from page 1

business or profession; an expenditure is necessary if it is appropriate and helpful to the development or conduct of a trade, business, or profession.

Certain expenditures by police officers would qualify for deduction in that: (1) They are incurred in the law enforcement profession of the officer; (2) The expenditure is not for long term items; and (3) The expense is ordinary and necessary to the law enforcement business.

The following types of expenditures would be considered as ordinary and necessary for the law enforcement profession. If they were made by a police officer in 1985 they are lawfully deductible as miscellaneous deductions on Schedule A. The sample expenditures would include, but not be limited to: baton, briefcase, bulletproof vest, clip board, flashlight and batteries, gloves, gun reloaders, ammunition, handcuffs, helmet, holsters, handcuff case, baton ring, ammo pouch, ear protectors, maps, ties, notebooks, penal codes, police codes, pencils, pens, safety glasses, tape recorders, uniforms, thermal underwear, laundering fees, whistles, and any necessary repairs or alterations to the above mentioned items.

PROMOTIONAL EXAM DEDUCTIONS

It should be noted that ordinary and necessary expenses made in preparation for promotional examinations are also deductible under Section 62 of the Internal Revenue Code; this would include textbooks, study guides, courses, notebooks, and other related items.

If you have made such an expenditure in 1985, you should properly deduct it, since it is lawful to do so. If, per chance, you should fail to make such deductions, and the expenditures are more than minimal, you should consider filing an amended form 1040X in order to properly include this in your 1985 return. However, proper planning should result in your including all these items in your 1985 return. It is important that you retain records of these expenditures and expenses in order to verify them should your return be audited by the Internal Revenue Service.

PLANNING

If you have not thought of these deductible items, perhaps you should save this article and make notations during the year of any ordinary law enforcement expenditures that you make in order that you may deduct them when filling out your 1985 return and also in preparing for your 1986 and subsequent tax years.

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FOUNDING THE SAN FRANCISCO POLICE DEPARTMENT

Editor's Note:

D. C. Mullen noticed the inaccuracy of the founding date shown on the ad adjacent and offers the following as documentation.

by Kevin J. Mullen

The big law-enforcement story in Gold Rush San Francisco hardly concerned itself with the city's police department: the story, reworked and repeated in numberless accounts, is that on several occasions groups of private citizens wrested administration of justice from the regularly constituted authorities and convened themselves into vigilance committees. In this form they tried, sentenced and punished criminal predators with little more than a nod toward the usual legal safeguards. Roger Lotchin, author of the definitive treatment of the founding of American San Francisco, remarked:

The extraordinary emphasis on vigilantism has meant the sensational and atypical aspects of law enforcement have nearly crowded out the ordinary in the city's histories. The committees that usurped part of this duty in the summers of 1849, 1851, and 1856, and whose tenure in 'office' did not amount to nine months in all, have received endless attention at the expense of the police who held the job most of the time.

One result of such historical inattention is a decided lack of agreement about even the origin of the police department. In fact, the police department itself is unsure of its genesis. It is clearly time to put the matter to rest and give back to the department a few of those pages of history from which it has been "crowded out."

When, in the course of the Mexican War, American forces from the sloop-of-war *Portsmouth* seized the port of San Francisco on July 9, 1846, they found no Mexican officials of any sort to oppose them. Soon thereafter Washington A. Bartlett, a bilingual naval lieutenant attached to the *Portsmouth*, was appointed the first American alcalde for the district of San Francisco. As alcalde Bartlett nominally had the authority of a peace officer, but in actual practice his duties with regard to law enforcement approximated those of a judge or justice of the peace.

Immediately after the conquest, whatever direct law enforcement authority existed in San Francisco was exercised by Marine Lieutenant Henry B. Watson and a detachment of twenty-four marines from the *Portsmouth*, billeted in the Mexican Custom House on the Plaza (Portsmouth Square) as a garrison, or town police. There was little to occupy the military police in 1846, however, despite the fact that the town population doubled shortly after the conquest when the ship *Brooklyn* arrived with more than two hundred immigrant Mormon passengers. The town began to bustle with activity but the only police duty the garrison was called on to perform seems to have been the occasional arrest of a drunken sailor.

In early 1847 the military conflict, insofar as it directly affected California, ended and the military commander at San Francisco announced the end of direct military control over local affairs. Edwin Bryant, a civilian, was appointed to replace Bartlett as alcalde. In the spring of 1847 the alcalde was aided by a sheriff, E. Ward Pell, whose chief duties seem to have been to act as bailiff in the alcalde's court. Direct law enforcement and peace-keeping duties in the town were performed by a detachment of soldier/settler volunteers, from Colonel Johanthan Stevenson's recently-arrived regiment, under the command of Lieutenant Edward Gilbert. The detachment was billeted as an around-the-clock police force in a barracks adjacent to the custom house on the plaza.

In May 1847 Bryant resigned his office to return east and in his place the military governor appointed George Hyde as alcalde. In the summer, in response to criticism that the alcalde's powers were ill-defined, the military governor instructed Hyde to form a town government:

There is wanted in San Francisco an efficient town government, more so than is in the power of an alcalde alone to put in force. There soon may be expected a large number of whalers in your bay, and a large increase in your population by an arrival of emigrants; it is therefore highly necessary that you should, at an early day, have an efficient town police, proper town laws, town officials, etc., for the enforcement of the laws, for the preservation of order, and for the proper protection of persons and property.

The governor requested the alcalde to call a town meeting for the election of a town council which would "appoint all town officers, such as treasurer, constables, watchmen, etc., and to determine their pay, fees, etc."

On September 13, 1847, the first elected council in American San Francisco was chosen, and two days later the *Californian*, one of the hamlet's two competing newspapers, promptly reminded them that one of the objects of the election was to appoint a good and efficient police. At its first meeting on September 16 the council appointed a committee to frame laws for the town and on September 21, while a committee of the council was considering an ordinance to establish a regular town police, the full council passed an ordinance which designated the members of the council as unpaid "conservators of the peace" within the town limits. The ordinance charged them with duties, "to issue any process necessary to preserve the peace and morals of the place, upon application, or when they deem it proper to do so," and said that "all such process shall be made returnable to the Alcalde, and shall be charged and regarded by the Alcalde as if it has been issued by himself." In other words, members of the council were empowered to cite offenders into court, either on the complaint of another citizen or on their own initiative, much as police officers now cite traffic and misdemeanor offenders into court. However, it appears that members of the council, despite enactment of the ordinance, generally restricted their efforts to legislative matters.

At its meeting September 27, 1847, however, the council passed an ordinance which, for the first time, provided for town officials clearly identified as law enforcement specialists:

Sec. 1. Be it ordained by the Town Council of the Town of San Francisco, that there shall be elected two constables who shall constitute the chief police of the town.

Sec. 2. Be it further ordained, that the Constables shall perform

all the duties required of other ministerial officers within the town — shall faithfully execute all process directed to them in accordance with the law and make due return thereof — shall strictly enforce and obey every law, ordinance and resolution passed by the Council.

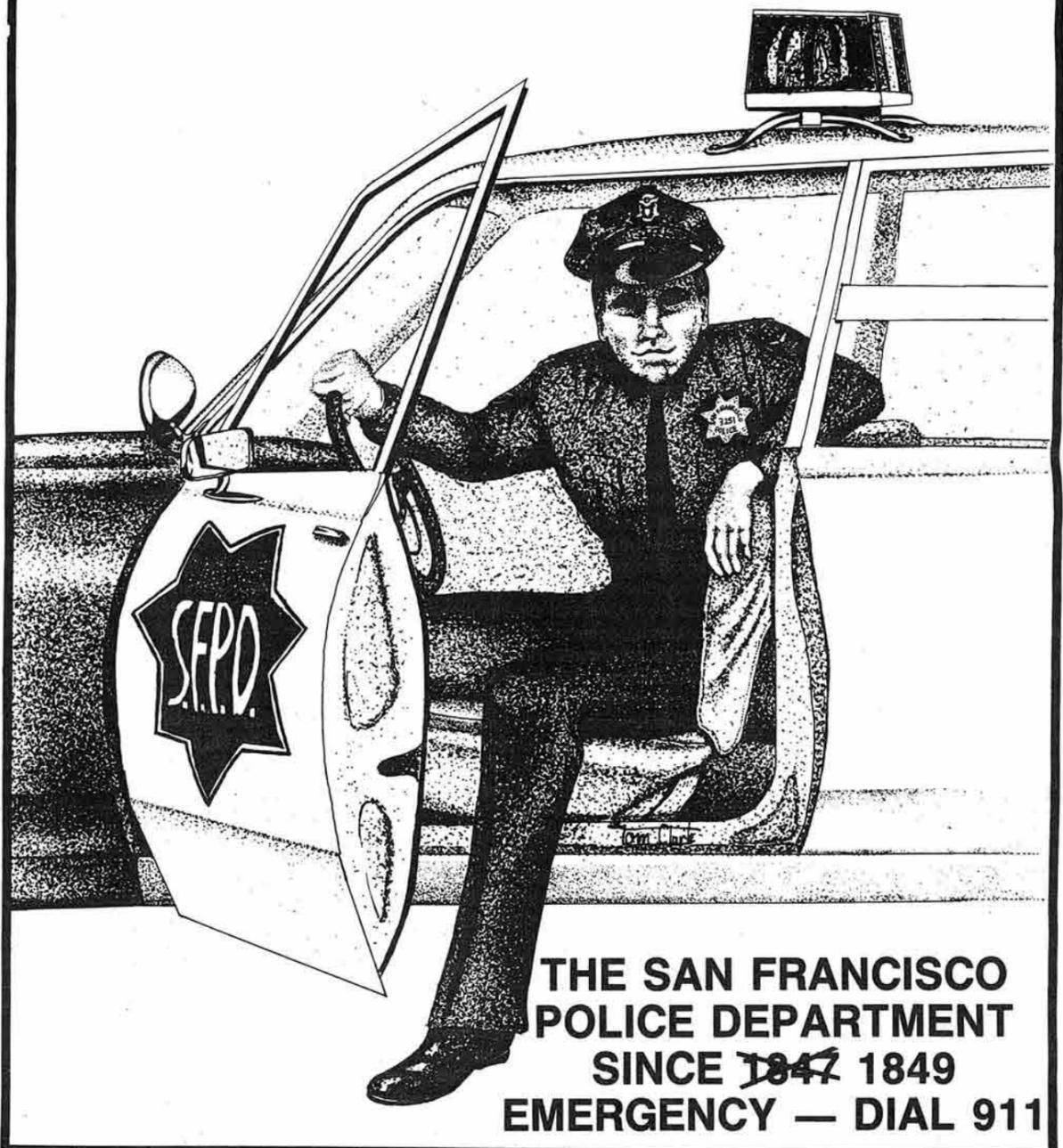
Sec. 3. Be it further ordained, that the Constables shall receive for the service of any writ or other process, one dollar, to be paid out of the fines imposed upon cases, one dollar for the service of any writ or other process to be paid by the defeated party, also ten cents per mile for every mile which they may travel to serve any writ or other process beyond the limits of the town.

And at its meeting October 11 the council appointed W. S. Thorp and Henry Smith to the new positions. Smith, in addition to his duties as constable, was to be keeper of the town jail. Yet the new constables had hardly been installed in office when, on December 17, the council amended the police ordinance to the effect that "hereafter there shall be but one Constable for the town, who shall receive, in addition to all the prerequisites of his office allowed by law, the sum of fifty dollars per month, and shall continue in office during good behavior." The amended ordinance required that the constable devote his entire time to official duties and empowered him "to arrest anyone guilty of any crime, misdemeanor, or other improper conduct, and take him or them before

any sense a modern city dweller would recognize. In the main the system depended on direct participation by the general public for performance of law enforcement functions. Citizens were expected to depend on their own resources or the help of friends and relatives when confronted with problems of crime and disorder. There was no neighborhood police officer to call when trouble loomed. It was not an age when the public expected government either to solve its problems or settle its personal disputes, and nobody expected government officials to engage in crime prevention activities. The victim of a crime was expected to call upon a constable for assistance only "to execute warrants already sworn." Preservation of public peace was not regarded as a governmental responsibility but as a public duty to be performed by all able-bodied members of the general public.

San Francisco's pre-Gold Rush population shared with most Americans these perceptions of the role of police officials, and San Francisco's constables, although designated as "police of the town," did not perform the general preventive patrol and arrest duties now associated with municipal police departments. Lip service was paid to the notion that they were supposed to suppress disorderly conduct in grog shops and ferret out criminals but, for the most part, their official duties centered on running down runaway sailors and carrying out judicial orders of the alcalde.

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the Alcalde for trial." At the same meeting Thomas Kittleman, who had arrived in San Francisco on the *Brooklyn*, was appointed as sole constable replacing both Smith and Thorp. But the old constables apparently did not agree to retire gracefully from the scene, for in January 1848 the council felt it necessary to order anew that there be only one constable in San Francisco, Kittleman. A great deal of editorial concern was voiced about lawlessness and crime in San Francisco at this time, but responsibility for the condition was attributed exclusively to Alcalde Hyde, who was unpopular with one of the factions vying for control of the town government.

In March a disgusted George Hyde resigned from office and in his place the governor appointed John Townsend, a choice more palatable to Hyde's opponents. Whatever the genesis of the widespread concern voiced about lawlessness during the last months of Hyde's tenure, no criticism was directed at Kittleman who, contrary to a prohibition against moonlighting, worked a great deal of time on the streets and the wharf then under construction. Years later, when factional emotions had cooled, the editor who led the attack on Hyde looked back on 1847 as a time when "There was very little drunkenness and a rare case of disorder. The Town was governed almost without the aid of a constable."

The constables were designated by ordinance as the "chief police of the town" but, following as it did precedents established in largely rural settlements of England and America, the office of constable did not amount to an urban law-enforcement body in

In fact, when the first criminal homicide occurred, in November 1847, resulting from a fight in a grog shop near the current intersection of Pacific and Sansome Streets, it was a group of citizens and not a constable who arrested the offender and took him before the alcalde for examination. Nobody complained of a lack of participation by "the police of the town." And in early 1848 when a frontiersman stabbed a man in a grog shop, again it was not the constable but several ordinary citizens who arrested the offender and took him before the alcalde. Participation by the constable was mentioned only in connection with his performance as bailiff in the judicial proceeding which followed.

But events were already in motion which, while plunging San Francisco into the crucible of disorder, would call forth a genuine, fully-articulated municipal police department. The Gold Rush catapulted the little-known hamlet on San Francisco Bay, served by a lone constable, to world prominence as the main entrepot for men and goods in perhaps the largest migration since the Crusades. In a few boom years the town exploded, creating physical and social problems which sorely tested the rudimentary institutions of social control — and found them wanting. One of the less-heralded attempts to solve these problems was establishment of the San Francisco Police Department.

When news of the gold find first reached San Francisco at the beginning of 1848 residents of the town were skeptical. But as spring gave way to summer and gold dust increasingly made its appearance on the counters of the merchants, doubts declined until,

FOUNDING THE SAN FRANCISCO POLICE DEPARTMENT

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one by one, San Franciscans slipped out of town and headed for the gold fields. By May the local rush was on. The town council suspended its meetings and in early June Alcalde Townsend departed for the mines leaving governmental matters in the care of Second (assistant) Alcalde Thaddeus Leavenworth. By mid-June, the town's two newspapers suspended publication, and in August, when confirmation of the treaty ending the Mexican War arrived, the five remaining members of the volunteer regiment who had not already deserted to the mines were discharged. By midsummer the town was virtually deserted. There was a brief revival in later summer with the return of ill-outfitted argonauts and those who had sickened from bad diet and the rigors of mining the icy streams of the gold region. Supplies replenished, many returned to the goldfields at the end of September only to return to San Francisco again at the end of the year when winter weather made mining impossible. There they joined the first arrivals from other Pacific ports who, as news of the gold find spread outward in ever-widening circles, headed for San Francisco. By the end of 1848 the town had a population of two thousand waiting out the winter rains so that in spring they could head to the placers.

In August 1848 a number of citizens requested the governor appoint a permanent replacement for Alcalde Townsend but he declined on the ground that, because the war was over, he had no such authority. Instead he instructed acting Alcalde Leavenworth to conduct an election to select a permanent alcalde. Two elections, objected to by a number of prominent residents, were held, one at the end of August and another in early October. Both were won by Leavenworth who, like Hyde before him, was in frequent conflict with the council and other citizens.

Before discharging the last remaining members of the volunteer regiment in August 1848, the commanding officer of the Presidio wrote the governor predicting disorders in San Francisco when the discharged volunteers joined the city's civilian population. And at the same time the army quartermaster reported that violence was an almost daily occurrence there, for such town officials as existed had no power to preserve order. In early September a group of citizens formed a volunteer military company called the San Francisco Guards for the purpose of maintaining order, but most of its members soon returned to the mines and had little effect on law enforcement matters.

Apparently Constable Kittleman went to the mines with the rest of the town during the summer of 1848, for when the town began to revive in the fall with the return of the first wave of failed '48ers, the reconvened town council instructed the alcalde early in October to select a temporary constable to serve until a permanent appointment could be made. If such an appointment was in fact ever made, the appointee left no imprint in the records. At that time, however, William Landers served as sheriff for the district of San Francisco. Landers' duties were to execute the processes of the alcalde and attend him in court. This then was the extent of the law enforcement establishment in San Francisco on the eve of the Gold Rush year of 1849 which, before it ended, would see the population of the town increase tenfold and subjected to social strains occasioned by unchecked boom town life.

In the absence of action by the national government to establish a territorial government in California, public concerns about an increase in predatory crime and the need for an adequate civil government to control it were heightened at the end of 1848 by a number of particularly gruesome murders. Public meetings were convened throughout California for the purpose of organizing some type of government. At two such meetings in San Francisco in late December, it was pointed out that punishment of crime was almost impossible because of the lack of laws and officers to enforce them. Further, it was agreed to be the right and duty of the people to form a provisional territorial government. To that end, an election should be held in January 1849 to select delegates to attend a convention in San Jose in March.

At the local level in San Francisco, competing factions vied for control of the town government against a backdrop of general public apathy occasioned by the mad scramble for personal wealth in a helter-skelter civic atmosphere. In early 1849 the competing groups conducted a series of elections which resulted in three separate groups claiming to be the city's legitimate government. On January 25 the *Alta California* criticized the 1848 council for creating such chaos at a time "when the town is without money, when we have no police, no organization for preventing and extinguishing fires, no jail, no court or courts for the proper trial and punishment of offenders —."

Out of this confusion a dominant faction emerged, calling itself a legislative assembly. The group consisted of fifteen legislative members to make laws and three justices of the peace who assumed jurisdiction over both civil and criminal matters in San Francisco. With establishment of this assembly, the two councils then contending for control of San Francisco's government resigned. Alcalde Leavenworth, however, backed by the military governor, refused to relinquish his office. No specific arrangements were made at the time by the legislative assembly to provide police service, but a volunteer guard company, the Washington Volunteers, composed largely of members and supporters of the assembly and organized to assist the local authorities, came into being shortly after the February 21st election.

Confronted by an intractable alcalde, in March the assembly declared the office abolished and appointed Justice of the Peace Myron Norton, the top vote-getter in the February election, as police magistrate to succeed Leavenworth as chief executive for the district of San Francisco. Norton was empowered to receive all town papers and records from the alcalde and authorized to appoint two or more policemen to serve any warrants he might issue. If any police officers were in fact appointed at that time, they played no part in subsequent events, for law enforcement activities carried out under the aegis of the assembly were performed by citizen volunteers. In May the assembly conducted yet another election and J. C. Pulis, who had served the alcalde as sheriff earlier, was elected to the same office to serve under the legislative assembly. At the end of the month, when under Norton's orders Pulis seized the town records from Alcalde Leavenworth, he did so with the assistance of "a number of volunteer deputies."

But in June, learning that Congress had still not provided territorial government for California, the military governor proclaimed an election for August 1, 1849. Delegates would be chosen to form a territorial government and municipal governments

modeled loosely on earlier Mexican forms would be selected to govern the towns of California. In the face of the governor's determination to form a local government, San Francisco's legislative assembly retired reluctantly from the field, leaving the government of the town — such as it was — to Alcalde Leavenworth.

In the meantime, while leading citizens squabbled over control of public affairs in the early months of 1849, a social sore had been festering in San Francisco out of mind — if not out of sight — of the body politic. From its beginnings as an American settlement, the town had been plagued by the problem of runaway sailors. Indeed, the very first ordinance passed by the 1847 council, drafted to placate sea captains who threatened to take their trade elsewhere, prohibited sailor desertions and penalized persons convicted of harboring deserters. At the end of 1848 and early in 1849, when large numbers of seaborne argonauts first arrived in San Francisco, sailors who manned the ships abandoned any pay due them and joined the rush to the gold fields. Outbound sea traffic came to a standstill. Unable to rely on regular authorities to prevent desertions, some merchants whose businesses depended on uninterrupted sea trade informally contracted with a group of men to capture and return runaway sailors so maritime trade could continue.

At first this informal piecemeal system of law enforcement seemed to work fairly well for all — runaway sailors excepted. But the "sailor catchers" soon realized that in the absence of any official check on their behavior they could do for themselves what they did for the merchants who hired them. Combining in a loose alliance with beached sailors, the first arrivals from Australian penal colonies, and early-arriving hoodlums from the eastern United States, they soon set about intimidating the town. Ignored or avoided by a merchant class occupied with its own affairs and at least tacitly encouraged by a leading military official who felt that Mexicans and South Americans were not entitled to a share of the gold, the alliance of bullies, now calling themselves the "Hounds" mounted a campaign of terror against Hispanic residents of the city.

The Hounds initially set themselves up as self-appointed guardians of the public peace and, under the guise of collecting a tax to support their peace-keeping efforts, exacted tribute from the general defenseless Hispanic population. But their courage grew as their acts went unpunished and they soon extended their "tax collections" to other groups. On July 15, 1849, they went too far. After a day of drunken revels, they rampaged through "Chiletown" all the night long, tearing down and looting tents, stoving in boats and shooting at least two men. The disorganized citizenry, who had clutched their blankets to themselves and listened fearfully through the night of drunken riot, had had enough. The next morning, while the bullies slept off the excess of their previous night, the outraged people organized themselves into a body to combat the Hounds.

At a well-attended public meeting in Portsmouth Square, judges were selected to try the hoodlums in a quasi-popular tribunal. At another meeting, 230 men organized themselves in to a volunteer police force with W. E. Spofford as their chief. By nightfall the volunteer police had rounded up the Hounds' leaders, who were examined and placed aboard the big *Warren* for safekeeping. The next day a hastily-convened grand jury indicted them for a variety of crimes. In the days that followed, at a series of public trials where recourse to legal technicalities were not permitted, the leaders of the Hounds were convicted of a variety of crimes of assault and theft. They were sentenced to terms of imprisonment or banishment from the territory. The excitement over, however, the merchants returned to the press of business and the sentences were never carried into effect. Yet the affair dramatically proved to many that in an enforcement vacuum bullies emerge, and that a regularly-paid police department of sufficient strength to exercise physical force as well as moral authority was the only alternative to anarchy. The patrols of the volunteer police, which evolved into the California Guards, a volunteer militia company, continued for a number of weeks. But even as the trials of the Hounds continued, a group of merchants approached Malachai Fallon and asked him to organize the first regular, paid police department in San Francisco. Fallon, aged thirty-five, native of Athlone, Ireland, was a former New York City police officer.

On August 1, 1849, following state-wide elections, San Francisco and other population centers received their first fully-articulated town government. John Geary was chosen as alcalde to head a twelve-member *ayuntamiento* (town council). Because of recent events, public safety was very much in the public consciousness and Geary, in his first address to the *ayuntamiento*, reminded them that "You are without a single police officer or watchman, and have no means of confining a prisoner for an hour, (and) no single provision for the protection of property or the maintenance of order." The *ayuntamiento* promptly appointed a subcommittee to study the matter and report to the full body with recommendations.

At the August 13, 1849, council meeting the subcommittee on police recommended that a captain of police "with necessary aid (sic) be appointed" and, at the same meeting, the council elected Malachai Fallon as the first captain (or chief of police) of the San Francisco Police Department. In the following weeks Fallon set about organizing the town's first professional police department, consisting of an assistant chief, Robert Beck, three sergeants and thirty police officers.

The social disorders which afflicted San Francisco in its early days are usually treated as an abnormal phenomenon, occasioned by social disorganization attending the Gold Rush. Little attention is generally paid to concurrent events in other American cities. Actually, the early and middle decades of the nineteenth century were times of extreme social turbulence throughout the United States. As part of the urbanization process then underway in eastern cities, the residential cores of urban settlements were vacated by upper and middle classes who began to move to the suburbs. The city centers came to be occupied by growing numbers of Irish Catholic immigrants and freed black slaves who were subject to pogrom-type riots mounted by nativist elements objecting to their presence. In this wrenching social and economic evolution, predatory crime increased and social disorders multiplied. As suggested by the affair of the Hounds in San Francisco, existing forms of social control designed for homogeneous village society were totally inadequate for the task. Thus, following English models, eastern cities in the mid-nineteenth century established for the first time large bodies of regular police of-

ficers organized along military lines for rapid assembly and deployment against unruly mobs. In the early 1830s Philadelphia organized the first day police force in the United States. Other eastern cities followed suit and in 1845 New York established the model for future urban police departments when it consolidated a pot-pourri of existing police groups into a day and night police. It was not merely incidental that, in looking for someone to organize a police department, the San Francisco establishment settled on a New Yorker. **Thus the founding of the organization under Fallon's leadership on August 13, 1849, marks not only the time from which the San Francisco Police Department may date its origin, but can be viewed also as the point when it was formally recognized that social controls suitable to villages of the past must be replaced by new forms, which have since become a permanent fixture on the urban landscape.**

The new police department set up shop in a station house on Portsmouth Square and before the end of the year a jail was provided in the form of the brig *Euphemia*, purchased from a member of the council and berthed in the bay at Jackson and Battery Streets. The officers assumed patrol duties but, perhaps because of the example of the Hounds, there was little in the way of police business to occupy them until the end of the year. After a devastating fire on Christmas Eve 1849 which razed several square blocks, however, at the urging of the press the *ayuntamiento* increased the size of the force to fifty and instructed the chief of police to establish a night watch.

In May 1850 San Francisco was incorporated as an American city, at the charter election on May 1, Alcalde Geary was elected mayor, the *ayuntamiento* was replaced by a bicameral council, and Malachai Fallon was elected marshal, to head the police department under the general supervision of the mayor. In July, according to the terms of the charter, the council reorganized the police department by ordinance, dividing the city into districts for police purposes and establishing administrative procedures for the government of the department. The department itself was increased to seventy-five officers.

The increase in the size of the force came none too soon, for in the summer of 1850 San Francisco experienced a precipitous rise in predatory crime. Citizens became increasingly fearful of walking the streets at night. At first the press and public were sympathetic to the police officers, but as such crime increased in the latter months of 1850 and early 1851, they came to believe that the law-enforcement apparatus contributed to the deterioration of criminal conditions. Citizens spoke increasingly of the prospect of taking the law into their own hands. On January 6, 1851, the *Evening Picayune* chided the police department for being oversensitive to criticism. While conceding that the department was not large enough to provide a presence everywhere, the *Picayune* stated it was well known "that out of the vicinity of the gambling and drinking saloons, a policeman is scarce ever to be found, day or night."

By the time municipal elections came around in April 1851, the voters were ready for a new team. Whig Charles J. Brenham was elected mayor and Robert G. Crozier ousted Fallon from the office of city marshal by a landslide. At first it was thought that conditions would improve but events soon conspired to impel the city toward the inevitable social conflagration. On the very day the newly-elected government was to be sworn in, most of the business portion of the city burned down in the fifth and greatest of a series of fires though to have been caused by arsonists. And in the first days of tenure of the new police department a large number of escapes, attributable for the most part to the flimsy construction of the wooden station house, were charged to the incompetence or complicity of police officers. In May, as the feeling increased that the regular police were incompetent, a body of unpaid volunteer police were authorized by ordinance, sworn in by the mayor and sent out to patrol the streets under the general supervision of the City Marshal. But events came to a head in early June with the arrest of a disgruntled evictee who had set fire to his rooming house on Central Wharf. He was almost lynched by the crowd around the courthouse at his preliminary examination, and the last straw was reached when his prosecution was delayed by the imposition of what was considered to be the last of a long string of legal technicalities designed to protect criminals at the expense of the public. Disgusted with the performance of the criminal justice system in general and the courts in particular, a group of citizens, mostly merchants of the city, came together in the Committee of Vigilance of 1851, the first of the two great vigilance committees in San Francisco. They preempted the prerogatives of the regularly-established criminal justice system for the summer. The Committee of Vigilance immediately set about arresting and trying criminals, and eventually banished a large number and hanged four before they adjourned in September.

Governance of the city was then returned to the regularly-established authorities and for a time it seemed that social conditions would stabilize. Over the next few years, and a series of charters, the police department was reorganized several times, its size fluctuating with boom-and-bust economic cycles. According to the custom of the time which wholeheartedly endorsed the dictum, "To the victors go the spoils," officers of the police department were almost totally replaced in office as the city administration changed in yearly elections.

In the spring of 1856 yet another charter was enacted for the city, which created San Mateo County out of the southern portion of San Francisco County and again reorganized the police department. This time the title of its chief executive was changed from "city marshal" to "chief of police." At the same time a group of citizens, increasingly outraged by widespread political corruption, rose once more to form a committee of vigilance. During the summer of 1856 they again preempted the courts and police and proceeded to rid the town of those they considered undesirable. By September they disbanded and in the fall elections their political arm, the Peoples Party, elected a full slate of candidates, including former vigilante James F. Curtis as chief of police, according to the terms of the new charter. Some sources mistakenly cite Curtis' election as the founding date of the police department.

But in reality it was that small body of men organized in August 1849 by Malachai Fallon who can rightfully lay claim to being the first municipal police department in San Francisco, and to which the current department must look for its real origins.

TIME FOR A TITLE

by Lois Perillo

Names are an identity of self; names define. Titles recognize a position.

When a child is born, it is given a name so to define itself and its gender. Traditionally, boys got male names; girls get female names. Sometimes, names span both sexes.

When the S.F.P.O.A. was born, 'Policeman' was indeed an appropriate title and name for its newspaper and would remain so for many years, until 1975. As Tom Flippin so aptly stated in 'What's in a Name?' (JAN 86), "In years past, it was an honor to be called and to be a policeman." I strongly agree and point out that TODAY, it is an honor to be called and to be a POLICE OFFICER.

Ten years ago, when the first woman joined the patrol force and the POA, 'Policeman', as a publication representative of ALL its members, became a misnomer.

As a parent, would you name your daughter Tom or your son Lois? No, because the name just wouldn't fit. Thus,

it seems unnecessary to continue to use a less than appropriate title and name when a number of representative titles are available.

'Police Officer' was proposed (by 24 members of S.F.P.D.; 1 Lieutenant; 4 Sergeants; 19 Police Officers. 50% male, 50% female. Please see Letters to the Editor, JAN 86) as a straightforward and overt SOLUTION, so to avoid what may become an unnecessarily drawnout solicitation process. In other words, GIVE THE PAPER ANY OF THE REPRESENTATIVE TITLES — ONLY DO RETITLE IT — AND NOT JUST TALK ABOUT DOING SO.

Law Enforcement is a proud and honorable profession, one which deserves a title of respect. After all, what is the most often used Title by which the public refers to us? Think. When a citizen flags you down, don't you usually hear: "HEY, OFFICER!"

We are all wearing the same seven pointed star. We are all Police Officers.

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The California State Board of Corrections recently presented San Francisco Sheriff Mike Hennessey and Lieutenant Jan Dempsey with two Certificates of Appreciation for the outstanding training compliance record achieved by the Sheriff's Department during the past several years.

Board of Corrections Consultant Toni Crabb stated, "Lieutenant Dempsey and her staff have once again planned and managed an excellent training program." Crabb praised professionalism and commitment shown by Lieutenant Dempsey in organizing, implementing and overseeing thousands of hours of required state peace officer training. Department training programs range from P.O.S.T. jail operations courses and the basic academy for new recruits to ongoing supervisorial and management courses for ranking officers.

Sheriff Hennessey accepted the Certificate of Appreciation saying, "The tireless efforts of Lieutenant Jan Dempsey and her staff have paid off again. This is the second consecutive year the State of California has recognized the training achievements of this Department and that is only made possible by Lieutenant Dempsey's professionalism and the conscientious cooperation of each and every member of the San Francisco Sheriff's Department." "I accept this Certificate on behalf of their hard work."

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Correspondence...

Special Board of Directors Meeting

February 6, 1986

President Barry called the meeting to order with the pledge of allegiance. Roll call was taken. Members present were: Goldberg, Keys, Lindo, Novello, Dempsey, Murphy, Suslow, Doherty, McAlister, Woolard, Friedlander, Sullivan, Fagan, Flippin, Cole, Linehan, Collins, Parenti and Barry. Absent: Ackerson. Excused: Garcia and Dito.

The special meeting was called to discuss the sole issue regarding the officers who received a perfect score from their oral board during the recent Q-35/Q-50 examination.

After much debate by members of the board and by concerned members of the Association present, a motion was made.

M/Parenti S/Dempsey that the P.O.A. agree to extend the current Q-35/Q-50 examination list to promote the last person, in rank order, who received a perfect score for their respective oral board; that the P.O.A. not modify their appeal of the 0-0-100 decision by Judge Peckham and that these additional promotions of these candidates not be counted for future appointments under terms and conditions of the last three years of the Consent Decree.

Motion passed. Voting yes were: Keys, Dempsey, Suslow, Doherty, Woolard, Friedlander, Sullivan, Fagan, Flippin, Linehan, Parenti and Barry (12). Noes: Novello, McAlister and Lindo (3). Abstaining: Goldberg (1).

Motion to adjourn at 1645 hours.

Respectfully submitted,
Daniel J. Linehan
Secretary

January 21, 1986

Dr. David J. Sanchez, Jr., President
Police Commission
City and County of San Francisco
Hall of Justice
850 Bryant Street
San Francisco, CA 94103

Re: Ralph M. Brown Act (California Government Code Section 54950, et seq.)

Dear Dr. Sanchez:

Bob Barry, the President of the San Francisco Police Officers' Association, has requested that I correspond with the Commission in regards to a brief event which occurred during your Commission's regular meeting of January 16, and which caused Mr. Barry some concern.

As you will recall, Item 8 on your agenda of January 16, dealt with a proposal to amend San Francisco City Charter Section 8.343. After a brief presentation from Chief Jordan, Mr. Barry presented the position of the Police Officers' Association on the proposed Amendment. At the conclusion of Mr. Barry's presentation, you inquired if there was any further discussion, and at that point one of the Commissioners leaned over, apparently whispered something to you, and at that point you announced that the Commission would "recess" for no more than minutes." In fact, all five (5) Commission members then left the hearing room, in a body and returned some three or four minutes later, at which point you called the Commission meeting back into order, and a vote was promptly taken on the proposal resulting in an unanimous recommendation to the Board of Supervisors in support of the Chief's Proposal.

The impression was left with those in the hearing room that the purpose of the three-minute recess was for some discussion among the Commissioners, in private, dealing with the recommendation. No "Executive Session" was called for, nor would one have been appropriate under any of the recognized exceptions to the Brown Act. In *Sacramento Newspaper Guild v. Sacramento County Board of Supervisors*, 263 Cal. App. 2d 41 (1968), the Court of Appeals made it clear that the mandate of the Brown Act for public sessions extends not only to hearings but to the decision-making, deliberation process as well. The Court stated as follows:

"[Government Code] Section 54950 is a deliberate and palpable expression of the Act's intended impact. It declares the law's intent that deliberation as well as action occur openly and publicly. Recognition of deliberation and action as dual components of the collective decision-making process brings awareness that the meeting concept cannot be split off and confined to one component only, but rather it comprehends both and either. To "deliberate" is to examine, weigh, and reflect upon the reasons for or against the choice. (See Webster's New International Dictionary

(3rd Edition). Public choices are shaped by reasons of fact, reasons of policy, or both. Any of the agency's functions may include or depend upon the ascertainment of facts...Deliberation thus connotes not only collective discussion, but the collective acquisition and exchange of facts preliminary to the ultimate decision.

...Deliberation and action, however they may coalesce, are functionally discernable steps, both of which must be taken in public view." 263 Cal. App. 2d 41, 47-48).

However unintentionally and innocently it may have occurred, nevertheless the appearance was left at your meeting that some portion of the deliberative process occurred in private, an appearance, which I am sure the Commission wishes to avoid. Since there are three new members on the Commission, perhaps a basic unawareness of the Brown Act, and its interpretation on deliberations, existed. Hopefully, this will not occur again.

Very truly yours,

Carroll, Burdick & McDonough
Christopher D. Burdick

February 12, 1986

Professor Nathaniel Trives
Auditor/Monitor
30 Van Ness Avenue
Suite 2118
San Francisco, CA. 94102

Re: Q-35/Q-50 Perfect Oral Scores

Dear Professor Trives:

At the meeting of the parites on January 20, 1986, the question of extending present Q-35 and Q-50 lists to pick up the "perfect 5's" was discussed at length between the parties. POA President Bob Barry requested of Deputy City Attorney Michael Killelea that Mr. Killelea memorialize the City's position on the proposal set forth by Mr. James Wheaton of Public Advocates in Mr. Wheaton's letter to Mr. Killelea of January 24, 1986. Mr. Killelea agreed to do so. As of Tuesday, February 11, 1986, we have still received nothing from Mr. Killelea. Nevertheless, because we promised the Auditor/Monitor we would respond to Public Advocates' proposal no later than February 11, 1986 the POA's Board of Directors met on February 6 and took the following position on Public's Advocates' proposal.

The POA would agree to the extension of the Q-35 list to the lowest possible "perfect 5" (which we are advised by Mr. Wong is Rank 95), and a similar extension of Q-50 to the lowest "perfect 5" (which we understand from Mr. Wong is Rank 125), subject to the following conditions:

1. Unanimous agreement of all Consent Decree parties to propose this modification to both the Civil Service Commissions and, subsequently to Judge Peckham.

2. The lists would, as so extended, terminate following appointment of the last persons on both lists as extended. That is, the lists would be limited by the number of authorized appointments off the lists, and not by two-year life. A further proviso would be added that under no circumstances would the extension to Ranks 95 and 125 unduly or unreasonably postpone the administration of new Q-35 and Q-50 tests, or the creation of eligibility lists therefrom, pursuant to the "Three-Year Plan" proposal which the POA had made to all parties;

3. These appointments would not relieve the City of any additional appointment obligations it may have under the Consent Decree. That is, the City could only continue to count 75 of the Q-50's and 45 of the Q-35's toward its annual appointment obligations, pursuant to Paragraph 10(a) (4) of the Consent Decree; and

4. POA would not be required, as a condition this Agreement, to waive or drop its appeal presently pending before the 9th Circuit Court of Appeals.

As you can see, Conditions 1, 2 and 3 are practically identical to those set forth by Mr. Wheaton in his January 24 proposal, and Condition 4 should come as no surprise to any of the parties.

Very truly yours,

CARROLL, BURDICK & McDONOUGH
Christopher D. Burdick

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Michael Killelea
Deputy City Attorney
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San Francisco, California 94102

Q-35/Q-50 Perfect Oral Scores

Dear Mike:

This letter is to formally notify you of our position with regard to the officers who participated in the Q-35/Q-50 examinations, who received a score of "5" from all of their raters during the oral portion, but who will not, because of scaling and normalizing, receive an appointment under the Stipulated Settlement of June 1984, and Order of June 1985.

It is our position that an injustice is being worked upon these individuals. Because the scoring system allowed many people to achieve "perfect" raw scores, it necessarily lost the ability to carefully distinguish among individuals. Although it is unquestionably necessary to normalize scores across the oral boards to achieve integrity, the effect apparently has been to deprive those who went before less rigorous oral panels — less rigorous in that they generally gave higher scores to the examinees — of any opportunity to compete. These people, even if they got a "perfect" raw score, cannot receive an appointment because of normalizing. Indeed, no examinee can possibly receive an appointment who went before an "easy" panel. This is not fair.

Having reviewed the data defining the affected individuals, we understand the population to be comprised as shown below. This assumes that all of the people who received "perfect" scores, plus all of those who are above them on the list, are included.

1. The Q-35 list is extended from 45 to 95 people in length. The Q-50 list is extended from rank 113 to rank 125.
2. The characteristics of the appointed population are as follows:

		Q-35			
	POOL	%	Appoint 45	%	Appoint 95
MIN	148	25.7	10	22.2	20
NONMI-N	428	74.3	35	77.7	75
MALE	517	89.8	40	88.9	79
FEMALE	59	10.2	5	11.1	16

		Q-50			
	POOL	%	Appoint 113	%	Appoint 125
MIN	166	25.9	27	23.9	31
NONMI-N	474	71.4	86	76.1	94
MALE	575	89.8	99	87.6	109
FEMALE	65	10.2	14	12.4	16

Assuming these data are in fact accurate, we propose the following:

1. Unanimous agreement of all Consent Decree parties to propose to both the Civil Service Commission, and subsequently Judge Peckham, a modification of the Stipulated Settlement and his June 1985 Order, to extend the lists as indicated.

2. The lists would, as now, terminate following appointment of the last person on the list as extended. That is, the lists are limited by the number of authorized appointments off the lists, not by a two year deadline.

3. These appointments would not relieve the City of any additional appointment obligations it has under the Consent Decree. That is, the City can only continue to count 75 of the Q-50s, and 45 of the Q-35s, toward its annual appointment obligations pursuant to paragraph 10(a) (4).

I have spoken with the Department of Justice on this proposal, and they are in agreement. I look forward to hearing your response and that of the other parties.

Cordially,

James Wheaton

Henry Hotel

106 6th
San Francisco, Ca.
861-0889

LETTERS

Mike Nevin For Calif. Assembly!

February 5, 1986

Mr. Paul Chignell
S.F. Police Officers
Association
510 - 7th Street
San Francisco, CA 94103

Dear Paul:

Just a short note to thank you for your early and positive support of my election campaign for the open seat in the 19th Assembly District.

As you know, our big push is to win the primary election. Be assured that I will be working hard, and know that we will win this race.

Your endorsement is invaluable, and I am most appreciative of your help.

Many thanks,

Your Brother,
Michael D. Nevin

Magnificent Mike!

Stephen P. Mroz
1240 Valencia St.
San Francisco, CA

Brothers:

Recently I was hospitalized with an ailment that necessitated surgery. At that time I knew that my injury was job related, however I was unable to have my injury sanctioned as such.

I then contacted the P.O.A. Health and Welfare Officer, Mike Hebel. I informed Mike of my situation and Mike in turn initiated the process by filing the required papers with the Retirement Board. This process turned out to be a long one, spanning almost one and a half years from filing to hearing. During this entire time, Mike kept me informed as to the status and development of my case. Eventually the Board set a date to hear my case. The date set, Mike again called me into his office for a pre-hearing conference. Finally the hearing date arrived. At this hearing, Mike presented my case flawlessly with unmatched expertise. I left that hearing room with a positive feeling. Two weeks later, I was notified that the Retirement Board had ruled in my favor

and that the personal sick leave I had used for my surgery was to be returned to my account.

There is no doubt in my mind that Mike's preparation, knowledge, and diligence led to the favorable ruling. I wish to thank the P.O.A. and Mike Hebel in particular for representing me in the matter.

Fraternally,

Stephen P. Mroz (A.F.P.A.)

Dave Herman Leaves Uniform & Safety Committee

January 24, 1986

Dave Herman, Chairman
San Francisco Police
Officers' Association
Uniform and Safety
Committee

Dear Dave:

I received your letter of January 9 wherein you have requested to be relieved as Chairman of the Uniform & Safety Committee.

I would like to state, from the outset, that the representatives of the Police Officers' Association's Board of Directors regret, in a substantial way, that you are unable to continue working on this committee because of other affairs that you will be involved in.

During the course of your involvement as Chairman, I truly believe that the overall conditions and concerns of our membership have been substantially enhanced because of your direct involvement, and your absence from this committee will be a substantial loss to the organization and to the membership as a whole.

Therefore, on behalf of the Board of Directors and the entire membership, I would like to thank you for your participation in this very important area and look forward to having you serve on other committees in the immediate future.

Thank you very much,

Bob Barry
President

Perfect "5's" Decision Disputed

First, we were screwed over by the federal courts via Judge Peckham, then the Public Advocates, then the OFJ's, then the Consent Decree Unit, and now our own POA board of directors endorses a screwing by their vote on the "Perfect 5" dilemma at their meeting on Feb. 6, 1986. After all these years of opposing the Public Advocates for what is fair and "right," they now vote to join hands with them in endorsing a plan together. A plan that the department "pick up," meaning hire Q-50/Q-35 candidates who scored all fives on their oral board but were not ranked high enough on the tainted 0-0-100% eligible test. Can you imagine the Public Advocates ever endorsing a plan that was good for the overall members of the department? Do the Public Advocates have anything to say about the "standard deviation" that was applied that caused this dilemma.

On one hand the Public Advocates are trying to say the 0-0-100% (i.e. the oral) testing is fair and should be used as the sole criteria for hiring well-rounded Q-50/Q-35 candidates. Now they are saying the oral was FLAWED in certain cases. The candidates who received all 5's but did not rank high enough (#1-113) to get hired should now be hired. Was the oral FLAWED or wasn't it?

As for the fellow members some of who I know well who went groveling for jobs because they got all 5's, all I can ask them is where is your spine? What happened to your convictions? I guess they went down the sewer along with the board members who voted for the endorsement. I guess it has come to the point where you feel you have to beg. How degrading! Look out only for yourself no matter what you really believe is right and wrong. You know who you are. You will be stigmatized more than the original 113 people. I guess the Public Advocates have won. They have divided us now all that's left is to conquer us. We have joined them. My

membership in the POA is about up.

Sincerely,

Michael L. Kelly
Park Station

Heads, You Win; Tails, We Lose!?

February 5, 1986

Frank J. Schober, Director
Office of Citizen Complaints
850 Bryant Street
San Francisco, CA. 94103

Dear Mr. Schober:

I am in receipt of your letter of February 4th and am disappointed that the investigations conducted by your office are not bound by the same standards of fairness which you expect from the sworn members of this Department. It is not within the investigator's discretionary powers to deny an officer the protections provided under the Government Code by delaying to formally name the officer, particularly when the officer has already been named by the complainant in the original complaint. We intend to file a grievance in this instance.

Although we have requested a hearing in this matter, we would anticipate that the hearing would not be scheduled until the grievance is adjudicated.

Very truly yours,

John R. Goldberg,
Director
Southern Station

Thanks

January 23, 1986

Mr. Bob Barry
S.F. Police Officers
Association
510 - 7th St.
San Francisco, CA 94103

Dear Officer Barry:

On behalf of our senior

citizen residents of 24 Sanchez Street we wish to thank you for sponsoring the annual Police Officers Christmas luncheon.

I was told that the seniors enjoyed the luncheon and everyone had a good time. We want you to know how much we appreciate your continued support.

Peace in the New Year!

Sincerely,

Effie Robinson
Director
Senior Housing Division

O.C.C. Objectivity

January 28, 1986

John R. Goldberg
Southern Station
850 Bryant Street
San Francisco, California
94103

Editor
The San Francisco Attorney
Bar Association of
San Francisco
220 Bush Street
San Francisco, CA 94104

Editor:

A reprint of Mr. Mezey's "Interim Report" on the Office of Citizen Complaints was published in the most recent issue of the San Francisco Policeman. In light of the loathsome record of the Bar's disciplinary system, it is less than comforting to know of your Association's "affirmative obligation to make sure that Office works as it should."

In acknowledging the pride with which you note that Amitai Schwartz is a member of the Office of Citizen Complaints Committee, I am not, altogether, assured that the subject will be evaluated with the disinterested objectivity it deserves.

Very truly yours,

John R. Goldberg

Thanks

February 3, 1986

Dale Smith Benefit
c/o San Francisco
Police Officer's Assn.
510 - 7th Street
San Francisco, CA. 94103

Dear Sir or Madam:

Thank you for the invitation to attend the benefit for Dale Smith on Friday, February 14, 1986.

Unfortunately, I have prior commitments on the above date and am unable to accept.

Thank you for your interest.

Willie L. Brown, Jr.
Speaker of the
Assembly

Thanks

To The Members:

On January 17, 1986 our newborn, Stacy Patricia arrived in this world and left it without ever seeing it.

God gaveth and God taketh her away. He had decided that she should never see the beauty nor the ugly of our world. Stacy will only see the love of God, Jesus Christ and her new heavenly home. Stacy never knew nor will ever know the many people her little life has touched in so short a time, nor will she ever be forgotten.

Our family would like to express our appreciation for all the kindness, support and sympathies we have received during our time of loss and grief. We will not forget any of you.

Sincerely yours,

Leon and Elizabeth Loew

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#86-14
 February 6, 1986
 TO: ALL ASSOCIATION MEMBERS
 FROM: RON PARENTI, VICE-PRESIDENT
 The Association will again endeavor to have a Picnic this year. Help is needed in putting this project together. Any member interested in working towards this goal, please contact the POA at 861-5060 and leave your name and assignment. You will be contacted at a later date.

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#86-13
 February 4, 1986
 TO: ASSOCIATION MEMBERS
 FROM: JIM DACHAUER,
 CHAIRMAN
 ELECTION COMMITTEE

Below listed are the results of the POA Election:

CO. A - CENTRAL STATION
 ** Jim Deignan 69
 Jeff Smith 22

CO. H - INGLESIDE STATION
 **Pete Maloney 28
 Jim Murphy 16

TACTICAL
 ** Reno Rapagnani 38
 Don Woolard 28

INVESTIGATIONS
 ** Paul Chignell 105
 ** Alex Fagan 82
 Gerry Schmidt 64

I would also like to take this opportunity to thank those who served on the Election Committee.

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TAX DEDUCTION: Educational expenses, including tuition and travel costs, are deductible if they improve or maintain professional skills. Treasury Reg. 1.162.5

REGISTRATION & INQUIRIES: National Law Enforcement Institute, Inc.
 P.O. Box 1435
 Santa Rosa, California 95402
 (707) 545-3355 (8 A.M. to 5 P.M. Pacific Standard Time)

FACULTY: Michael Vaughn, Motorcycle Gang Unit, L.A.P.D. (Counterintelligence); Bud Johnson, U.S. Marshal's Office, San Diego (Outlaw Bikers); Bill Campbell, Intelligence Division, San Diego P.D. (Street Gangs); Patrick Metoyer, Criminal Conspiracy Section, L.A.P.D. (Cults); Dave Audsley, Arizona Department of Public Safety (Terrorists, Booby Traps & Bombs) and Jim Vuchsas, Prison Gang Unit, L.A.P.D. (Prison Gangs).

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"MY FAVORITE COP" AWARD

Once again a San Francisco police officer is being honored through the "My Favorite Cop" award program. Officer Joel Harms, assigned to the traffic division, is the award recipient for the month of January.

The "My Favorite Cop" award is for "daily acts of kindness and friendship which have caught the eye — and the heart — of San Franciscans." The officers are chosen via ballots obtained at any of the United Bank's fifteen branches, published in the neighborhood edition of the San Francisco Progress newspaper or by letters sent directly to the Chief of Police. The monthly award includes \$1,000 cash provided by major corporations, a commemorative trophy from the San Francisco Council of District Merchants Association, as well as commendations from both the Mayor and the San Francisco Board of Supervisors. Mr. Art Blum, of the Art Blum Agency, has coordinated the generous support of the private sector with the efforts of The San Francisco Police Commission and the Police Chief to implement and maintain this program.

Officer Harms received his award at a luncheon on Tuesday, January 21, 1986, hosted by Swiss Louis, Pier 39.



**"MY FAVORITE COP" AWARD
RECIPIENT FOR JANUARY, 1986
OFFICER JOEL HARMS #1440
TRAFFIC DIVISION**

on his own time, helped with the investigation that located the suspect. It is efforts like this, truly beyond the call of duty, that made Officer Joel Harms a clearcut choice for this award.

This was not the first time Officer Harms has performed his duties to the San Francisco Community in an exemplary manner. In 1980, as one of the department's trained hostage negotiators, he was involved in an incident with a barricaded suspect who had previously been involved in a physical altercation with two police officers and ended up having one of the officers guns in his possession as he ran into his house where his wife and four children also lived. Officer Harms established contact with the suspect by telephone and was able, through long and arduous negotiations, to develop a degree of trust and confidence. The suspect feared he would be harmed by the police if he surrendered. Eventually, the suspect agreed to surrender in front of his house to Officer Harms after Officer Harms agreed to appear unarmed and also agreed that all police personnel in the immediate vicinity would be removed. Officer Harms placed himself unarmed in front of the suspect's house knowing full well that he was in the direct line of fire and that the suspect was in possession of a fully loaded police revolver. The suspect did surrender to him, thereby defusing a potentially violent and life threatening situation in a peaceful manner.

Throughout his career, he has been honored by the Department many times: 63 captain's commendations, a Silver Medal of Valor, a Bronze Medal of Valor and two Police Commissioner Commendations. In 1982, Officer Harms was named "Traffic Officer of The Year" for the quality and quantity of his work in traffic enforcement.

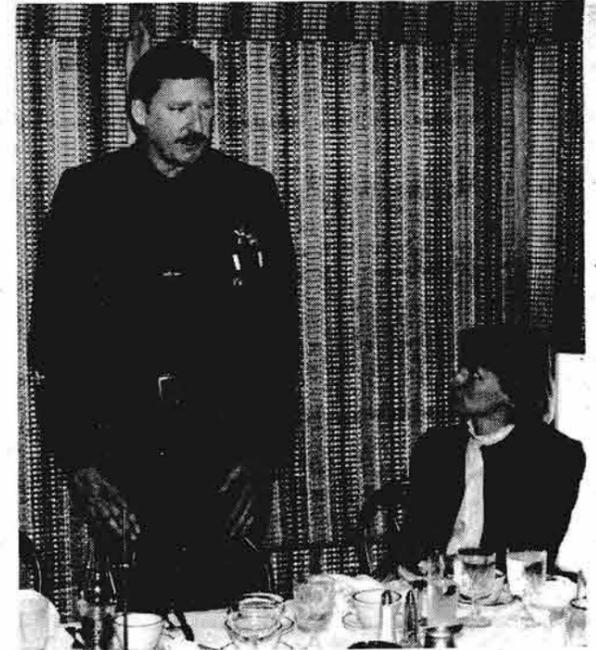
Officer Harms is married and has one son. Among his many outside interests is marathon running and he has currently completed three San Francisco marathons.

OFFICER JOEL HARMS

16 YEAR VETERAN OF THE S.F.P.D.

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CAN A COP BE A CHRISTIAN?

By Jim Crowley, Homicide Section

A question I have frequently been asked is, "Can a Cop really be a Christian?" The answer to this question I had to be sure of myself eleven years ago as I thought about giving myself totally to the Lordship of Jesus Christ.

Many people have the wrong idea of what it means to be a Christian. One of the most misunderstood verses in the Bible is Matthew 5:5. "Blessed are the Meek, for they shall inherit the earth". Conjuring up images of the famous cartoon character Caspar Milquetoast, it has convinced many that Jesus wanted His people to be dull, overly submissive, spineless, and stupid. This, of course, runs contrary to everything we find about the men and women of God on the pages of Scripture. They were strong, vocal, and often brilliant. Our problem has been with the word "meek". It does mean "humble" and "gentle". But the definition cannot stop there. Biblical meekness does not call for the object surrender of one's character or personal integrity. It calls for a total yielding of the control of one's life from the individual's hands to God's hands. But it

doesn't stop there either. The meek exercise discipline, which results in their being kept continuously under God's control.

Thus, a meek man is a disciplined man who is under the control of God. He is like Moses, a strong, bold leader who at the same time was described as the meekest man on earth. (See Numbers 12:3 K.J.V.). Having seen his sin and that of others, the meek person takes the next step and places himself under God's control and discipline. He serves God. But, remember, God will not sieze control. He will govern a life only if it is constantly yielded to Him, and that requires constant discipline. God is not interested in building robots.

Happy is the man who is under control — of God and of himself. The Apostle Paul wrote to Timothy "For God did not give us a spirit of timidity, but a spirit of power, of love and of self-discipline". 2 Timothy 1:7.

Obviously the drunk, the drug addict, the lustful, the slothful do not have the discipline to rule the earth and to correct its evils. No, it is for the meek, the disciplined — those who are controlled by God who follow His Son, who struggle.

Can a police officer be a Christian? Of course they can. Governments are ordained by God and police officers are described as ministers of God (Romans 13:1-7; 1 Peter 2:12-17). Criminal elements have to be suppressed by force. Jesus expressly stated his kingdom could exist within the Kingdom of Caesear (Matthew 22:21). The first Gentile to be admitted into the Church was a Roman soldier (Acts 10:1). He was not required to renounce military service. A judge, a police officer, or a military person may, in his or her heart and life, practice the principles of the Golden Rule, "Do unto others as you would have them do to you" (Luke 6:31), so far as they can as an individual, while as an officer of the law or the government they must follow strictly the rules of justice. Governments may in certain aspects, and in certain limited measure, follow the Golden Rule. But if force were abandoned, it would mean anarchy, with a free hand for murderers, robbers, rapists and every vile criminal. Remember these powerful words: "...from the days of John the Baptist until now the Kingdom of Heaven suffers violence, and violent men take it by force." (Matt 11:22) Zealous men force their way in. That's what it means. Though the Milquetoasts fall by the wayside, God's meek men and women will inherit the earth. I would like to invite all police officers who would like to hear more about what it means to be a Christian to attend our monthly luncheon at 12 P.M. the second Thursday of each month.

What a Lousy Job

By Pat White

One of the Concerns I have is the constant battle with negative thoughts about our profession. I Constantly hear; we have to work nights, the judge just slapped his wrist and let him go, the Lt. wants me to get a haircut, the DA won't even file on the case, our pay is too low, our equipment doesn't work properly, all these and more are common thoughts we have or complaints we have heard from other officers.

Modern day psychologists will tell you that someone who constantly dwells on the negative aspects can suffer from deep depression in acute cases, and alter our positive outlook on life thus affecting our happiness in other cases.

A few years ago I was working a second job driving an executive from Ford Motor Company around the city. On one occasion we were alone and he started complaining about how hard work was; six cities in eight days, rubber chicken and restaurant food for weeks on end, living out of a suitcase, not seeing his wife and children, the pressure to produce, pressure from his bosses, and on and on. This executive had a six figure income, a house with twenty three rooms, and yet he wasn't happy.

All jobs have their draw backs, all jobs have negative aspects, some we can change, some we can't. I believe it's OK to talk about some of the negative aspects of the job, with the hope of finding a solution. I believe that the constant complaining about the same things over and over just to complain is detrimental to our mental, and eventually to our physical, health.

It is my belief that the Bible holds the answer to many of our problems. In Philippians 4:8 St. Paul said:

Finally bretheran whatever is true, whatever is honorable, whatever is just, whatever is pure, whatever is lovely, whatever is gracious, if there is any excellence, if there is anything worthy of praise, think about these things."

In mulling over this scripture, I tried to think of something that fit each of Paul's exhortations, I came up with these; whatever is honorable and truthful, our profession when done correctly; whatever is pure, my 2-year-old daughter, whatever is lovely, my wife; whatever is gracious, my parents; if there is anything of excellence or worthy of praise, a good job with steady income, a house, my family, this beautiful country, a sunset, that special vacation spot, there are so many things to give thanks for if we would only take the time and focus on some of the positive things instead of constantly bringing up the negative.

I'm not asking you to look at life through rose colored glasses, I'm just saying balance it out with some of the good things about the job. If anyone had a right to complain it was Paul when he wrote the verses in Philippians 4:8, but instead of complaining he asked us to look on the good side. Paul wrote those verses while he was serving a jail sentence (2 years) for the hideous crime of preaching the word of God. So if any one had the right to complain it was Paul, but he didn't, so why should we?

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Thomas J. Owen
Deputy City Attorney
206 City Hall
San Francisco, California 94102

APPLICATION FOR LEAVE TO SUE IN QUO WARRANTO

People ex rel. San Francisco Police v. City of San Francisco, et al.

This is the decision of the Attorney General on the following application for leave to sue in quo warranto:

PEOPLE EX REL. SAN FRANCISCO POLICE v. CITY AND COUNTY OF SAN FRANCISCO, ET AL.

Statement of the Case

On or about February 6, 1985, the San Francisco Police Officers' Association submitted an application for leave to sue in quo warranto pursuant to section 803 of the Code of Civil Procedure and California Administrative Code, title 11, section 1-11.

The proposed complaint in quo warranto alleged (1) that Proposition "P," an amendment to the San Francisco Charter adopted by the voters in November 1975 relating to policemen salaries was void because of noncompliance with the Meyers-Milias-Brown Act; (2) that Proposition "L" adopted in November 1976 relating to pensions was likewise void; that Proposition "F" adopted in November 1978 relating to sick leave was also void.

On March 11, 1985, the proposed defendants submitted written opposition to the application.

On April 15 the proposed relator submitted additional facts and a reply memorandum of points and authorities.

In July, 1984, and February and March 1985, three other quo warranto applications were received requesting leave to sue on similar issues: *People ex rel. Los Angeles Police, et al. v. City of Los Angeles, et al.*; *People ex rel. United Firefighters of Los Angeles v. City of Los Angeles, et al.*; *People ex rel. San Francisco Firefighters, et al. v. City of San Francisco, et al.* All applications were consolidated for consideration of the issues presented.

Statement of the Facts

The Board of Supervisors did not meet and confer before deciding to place the subject proposed charter amendments in 1975, 1976 and 1978 on the ballot.

The revisions embodied in Propositions "P" and "L" affect many employees other than those represented by the proposed relator.

Proposition "P" was upheld by the courts in 1979 although a different union was the relator in that action. (*San Francisco Fire Fighters v. Board of Supervisors* (1979) 96 Cal.App.3d 538.)

Validation acts were adopted by the Legislature as follows:

- 1st Validation Act of 1976 (ch. 114, §§ 1-11, Stats. 1976) (Proposition P)
- 1st Validation Act of 1977 (ch. 33, §§ 1-11, Stats. 1977) (Proposition L)
- 1st Validation Act of 1979 (ch. 54, §§ 1-11, Stats. 1979) (Proposition F)

Contentions

The proposed relator contends that the charter amendments were adopted without meeting and conferring and were void, citing *People ex rel. Seal Beach Police Officers Assn. v. City of Seal Beach*. (1984) 36 Cal.3d 591.

The proposed defendants contend that protracted litigation on the validity of charter amendments is not in the public interest. If charter amendments adopted 10 years ago are declared invalid the right of employees and obligation of the City must be measured under the reinstated old law from the time of the original amend-

ment. Actions taken prior to the Seal Beach opinion should not be invalidated. The amendments in issue affect a large number of past and present employees in addition to the proposed relator. Cities should be entitled to rely on the only appellate opinion on the issue until the Seal Beach opinion. Invalidation would wreak "havoc" with the Retirement System which is founded on certain assumptions.

The proposed complaint is barred by Code of Civil Procedure section 349.1. The Seal Beach opinion should not be applied retroactively. Any defects in enactment have been cured by validation.

Criteria in Deciding Whether to Grant Leave to Sue in Quo Warranto

In a recent opinion, 67 Ops. Cal. Atty. Gen. 151 (1984), this office clarified the circumstances guiding the Attorney General's exercise of discretion of applications for leave to sue in quo warranto. The opinion provides in part that there must be a substantial question of law or fact that should be determined by the court and if the application has raised such a substantial question would the public interest be served by resolution of the question. The opinion provides in part:

"Historically, the Attorney General has not granted leave to sue in quo warranto unless some 'public purpose would be served.' (e.g., 36 Ops. Cal. Atty. Gen. 317, 319 (1960); 29 Ops. Cal. Atty. Gen. 204, 208 (1957); 27 Ops. Cal. Atty. Gen. 225, 229 (1956); 26 Ops. Cal. Atty. Gen. 180, 190 (1955); 21 Ops. Cal. Atty. Gen. 197, 201 (1953).) The 'public purpose' requirement has been viewed as requiring 'a substantial question of law or fact which calls for judicial decision.' (25 Ops. Cal. Atty. Gen. 237, 240 (1955).) While 'it is not to province of the Attorney General to pass upon the issues in controversy, but rather to determine whether there exists a state of facts or questions of law that should be determined by a court' (25 Ops. Cal. Atty. Gen. 332, 341 (1955); 24 Ops. Cal. Atty. Gen. 146, 151-152 (1954) 19 Ops. Cal. Atty. Gen. 87, 88 (1952) 17 Ops. Cal. Atty. Gen. 46, 47 (1951); 15 Ops. Cal. Atty. Gen. 62, 63 (1950)), the mere existence of a legal dispute does not establish that the public interest requires a judicial resolution of the dispute or that leave automatically should be granted for the proposed relator to sue in quo warranto. In *City of Campbell v. Mosk, supra*, 197 Cal.App.2d 640, the court said:

"We do not believe ... that the debatable issue inevitably produces the quo warranto. Indeed, the Attorney General's exercise of discretion is posited upon the existence of a debatable issue. To hold that the mere presentation of an issue forecloses any exercise of discretion would mean, in effect, that, contrary to the holding in *Lamb v. Webb* (1907) 151 Cal. 451] case, the Attorney General could exercise no discretion. The crystallization of an issue thus does not preclude an exercise of discretion; it causes it."

"The exercise of the discretion of the Attorney General in the grant of such approval to sue calls for care and delicacy. Certainly the private party's right to it cannot be absolute; the public interest prevails" (197 Cal.App.2d at 650.)"

Counsel for proposed relator refers to the recent court of appeal decision in *Local 55, International Assn. of Firefighters v. City of Oakland* (1985) 174 Cal.App.3d 687, 697-698. Counsel argues that the court concluded that where private rights are involved the authority of the Attorney General in quo warranto proceedings is limited to a determination whether the documents and evidence presented are in proper legal form and prima facie sufficient. If so, counsel argues that approval under such circumstances is tantamount to a ministerial duty.

We disagree with that analysis and conclusion. First, the issue was not directly before the court in the *Oakland* case and any such discussion is dicta and not controlling. The proceeding was not one in quo warranto and neither the People nor the Attorney General were before the court. Second, the court quotes from 74 Corpus Juris Secundum as its authority for the comment. The court does not discuss the cases or Attorney General opinions referred to above nor does the article discuss these authorities. Third, the discussion of the court relates to the adequacy of quo warranto as a remedy in the circumstances before the court and whether the Attorney General's actions in granting or denying quo warranto are reviewable by a writ of mandamus. This office has always construed *City of Campbell v. Mosk* (1961) 197 Cal.App.2d 640 to permit judicial review by a writ of mandamus of the Attorney General's exercise of discretion in quo warranto matters.

Consequently we proceed to review the application following the standards set forth in 67 Ops. Cal. Atty. Gen. 151 (1984).

Analysis

a. Retroactivity of the Seal Beach Decision

The precise legal issue decided on August 23, 1984, by the State Supreme Court in *People ex. rel. Seal Beach Police Officers Assn.*

v. City of Seal Beach, 36 Cal.3d was decided by the Court of Appeal in 1977 in *San Francisco Fire Fighters v. Board of Supervisors*. The court of appeal in that opinion decided that the Board had no duty to meet and confer before it decided to put propositions affecting employees on the 1975 ballot. The Supreme Court granted a hearing. In 1978, the Supreme Court retransferred the matter to the court of appeal. The court of appeal reaffirmed its earlier decision. ((1979) 96 Cal.App.3d 538). The Supreme Court denied a hearing. (See *People ex rel. Seal Beach Police v. City of Seal Beach*, 36 Cal.3d at 596, fn. 5.) While the denial of a hearing is not an affirmative approval of the propositions laid down in the opinion, there is authority that when a precise question of law has been decided by a district court of appeal and the Supreme Court has denied a hearing, such a decision will be followed as setting the law in the absence of a latter decision of the Supreme Court overruling or modifying the prior case. (*Houghton v. City of Long Beach* (1958) 164 Cal.App.2d 298, 309.)

The Supreme Court did not limit its opinion in *Seal Beach* to council and board decisions subsequent to the opinion, i.e., prospective operation. (See *Retroactively of California Supreme Court Decision: 17 Cal. Western L. Rev.* 403 (1981); *People v. Guerra* (1984) 37 Cal.3d 385, 399.) As the Supreme Court commented in (1971) 6 Cal.3d 399, 406:

"....(4) The normal retroactivity of most civil decisions has never been thought to supersede the operation of the statute of limitations so as to revive old claims which were not pursued because of a previously prevailing contrary rule of law, or to reincarnate dead causes which had fallen to the sword of the statute. Instead, the retroactive application of a judicial decision has traditionally meant only that the rule of law established by the new decision governs events occurring prior to the date of decision, when such events are at issue in timely filed actions. For example, although this court's decision in *Muskopf v. Corning Hospital Dist.* (1961) 55 Cal.2d 211 [1] Cal.Rptr. 89, 359 P.2d 457], abrogating a general government immunity to tort claims, was given normal retroactive effect, we recognized that litigants who suffered injury at the hands of the government prior to *Muskopf* would be barred from recovery unless their suits had been 'filed within the ordinary limitations period provided for tort actions.' (*Corning Hospital Dist. v. Superior Court* (1962) 57 Cal.2d 488, [20 Cal.Rptr. 621, 370 P.2d 325]; see *Dias v. Eden Township Hospital Dist.* (1962) 57 Cal.2d 502, 503-504 [20 Cal.Rptr. 630, 370 P.2d 334]; cf., *Estate of Horman* (1971) 5 Cal.3d 62, 70-72 [5 Cal. Rptr. 433, 485 P.2d 785].)..." (Fn. omitted.)

However a recent decision of the court of appeal could suggest a different analysis. In *Parker v. Superior Court (City of Torrance, real party in interest)* (1985) ___ Cal.App.3d ___, the court of appeal refused to retroactively apply the United States Supreme Court decision in *Wilson v. Garcia* (1985) 471 U.S. ___. (85 L.Ed 254; 105 S.Ct. 1938.) In *Wilson* the Supreme Court resolved conflicting circuit court opinions establishing the appropriate statute of limitations to be applied in civil rights cases filed pursuant to 42 United States Code section 1983. The *Parker* case was a 42 United States Code section 1983 claim filed in state court. Prior to *Wilson* a three-year statute of limitations applied. *Wilson* established a uniform one-year statute. Citing criteria established in *Chevron Oil Co. v. Heison* (1971) 404 U.S. 97, the court in the *Parker* case refused to apply *Wilson* retroactively. It found the *Chevron* criteria to be: "(1) whether the decision establishes a new principle of law; (2) whether retroactive application will further or retard the purpose of the rule in question; and (3) whether applying the decision will produce substantial inequitable results." (*Parker, supra*, ___.) While not structured in such an organized fashion, the proposed defendants argue against retroactivity based on a similar analysis. Whether the California courts would accept the test set out in *Chevron* and apply it to the *Seal Beach* decision is problematical given the line of California cases on the subject referred to above. While application of the *Chevron* test to *Seal Beach* could support a decision against retroactivity of the *Seal Beach* decision, we believe that it is unlikely that California courts would adopt the *Chevron* approach as the controlling test.

Thus, the major issue in our view is the statute of limitations.

b. The Statute of Limitations

We have denied leave to sue where we conclude the action is barred by the statute of limitations. (23 Ops. Cal. Atty. Gen. 300 (1954).) Neither mistake, surprise nor excusable neglect will excuse the late filing of a petition for court review. (*Pressler v. Donald L. Bren Co.* (1982) 32 Cal.3d 831, 837.)

The proposed defendants urge that Code of Civil Procedure section 349.1 bars the actions. That section provides:

"The validity of any acts or proceedings taken under color of law for the formation, organization, incorporation, dissolution, consolidation, change of organization or reorganization of, or for any change in the territorial boundaries of, any city, county, city and county, special district, public corporation or other public entity, or improvement district within any of the foregoing, shall not be contested in any action unless such action shall have been brought within six months from the date of completion of said acts or proceedings. Unless an action is commenced within said period all said acts of proceedings shall be held valid and in every respect legal and incontestable.

"This section shall not amend or repeal any existing statute prescribing a shorter period of limitation than that specified herein."

Proposed relator contends that either no statute is applicable or the three year limit in Code of Civil Procedure section 338

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SEAL BEACH CASE

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is applicable.

The Legislature has expressed a public interest that actions against public entities must be commenced within a short time period. (See Code Civ. Proc., § 342 & Gov. Code, § 745.6 (six months for money actions); Code Civ. Proc., § 349-1/2 (three months - validity of incorporation or annexation); Code Civ. Proc., § 349.1 (six months - any proceedings for formation, organization, incorporation, dissolution, consolidation, *change of organization or reorganization of*, or for any change in the territorial boundaries of any city).)

Cities are "organized" either under a charter or under the general law. (Gov. Code, §§ 34101-34102.) Whether the city is adopting any original charter or amending a charter is immaterial. As noted in *Taylor v. Cole* (1927) 201 Cal. 327, 330:

"Amendments to existing charters are in all substantial respects in the same situation and subject to the same procedure as the original charters themselves."

This office has previously decided that Code of Civil Procedure section 349.1 applies to charter revisions or amendments. The City of Oakland held a charter election November 1968. In December 1969, an unincorporated association and several unions submitted an application for leave to sue in quo warranto to the Attorney General. After extensive briefing, this office denied leave to sue reasoning that there was little likelihood that a quo warranto action would be successful and because the revised charter had been in effect for one year to grant leave to sue would be detrimental to the public interest. One of the basis for little likelihood of success was Code of Civil Procedure section 349.1. That decision letter (I.L. 70-100 May 21, 1970) included the following analysis:

"In our view, it is a virtually inevitable conclusion that a chartered city is 'organized' pursuant to its charter, just as a general law cities organized pursuant to the Government Code, section 34300 *et seq.*, which code becomes its 'charter' where applicable. See Cal. Const. art. XI, section 6; *Platt v. City and County*, 158 74 (1910); *In re Pfahler*, 150 Cal.71, 88, 89, 92 (1906); *City of Oakland v. Workmen's Comp. App. Bd.*, 259 Cal.App.2d 163, 166 (1968); *Styring v. Santa Ana*, 64 Cal.App.2d 12, 13-14 (1944).

"Thus, faced with the provisions of section 349.1 of the Code of Civil Procedure, and section 7 of the First Validating Act of 1969, whether the adoption of the revised charter be deemed the 'organization' or a 'change of organization' or 'reorganization' of the City of Oakland, it is difficult for us to see how a quo warranto action was not *already* barred when the application for leave to sue was filed with this office. In our view it was at least one of these."

The foregoing quote is part of the "impressive answer by letter" referred to by the Court in *Oakland Municipal Improvements League v. City of Oakland* (1972) 23 Cal.App.3d 165, 172.

Does Code of Civil Procedure section 349.1 bar the People who have the cause of action? It is notable that most if not all legal actions to which Code of Civil Procedure sections 349-1/2 and 349.1 would be applicable would be quo warranto actions.

Once a charter has been placed into effect (*County of Santa Ana v. Hayes Co.* (1954) 43 Cal.2d 615, 168) or annexation proceedings have been completed (*Amer Distl. Co. v. City Council, Sausalito* (1950) 34 Cal.2d 660, 667) quo warranto is the exclusive remedy (*Oakland Municipal Improvement League v. City of Oakland* (1972) 23 Cal.App.3d 165, 170; *San Ysidro Irr. Dist. v. Superior Court* (1961) 56 Cal.2d 708, 715.)

The discussion in *People v. City of Los Angeles* (1928) 93 Cal.App. 532, 536 on Code of Civil Procedure section 349-1/2 barring quo warranto actions is also pertinent to Code of Civil Procedure section 349.1:

"While there are no express words in section 349-1/2 of the Code of Civil Procedure making that statute applicable to the state, the necessary implication that it applies to and binds the state is manifested from the language of the act and the purpose of the act is to add a new section to the Code of Civil Procedure, to be numbered 349-1/2, relating to the limitation of the time within which actions, in which the validity of proceedings for the annexation of territory to municipal corporations, or the consolidation of municipal corporations, is contested, can be commenced.

If quo warranto proceedings are the only actions in which the validity of annexation or consolidation proceedings can be determined, as held in *Coe v. City of Los Angeles*, supra, the three months' limitation provided by section 349-1/2 of the Code of Civil Procedure bars the action under consideration and the trial court ruled corrected in sustaining the demurrer without leave to amend. That the purpose of the act was to put a three months' limitation on all actions concerning the validity of annexation and consolidation proceedings is also apparent and must be necessarily implied from the fact that section 349-1/2 of the Code of Civil Procedure not only makes its limitation period of three months apply to all proceedings completed prior to the time the act took effect."

c. Res Judicata Effect of Prior Court Actions

The proposed relator seeks leave to sue in order to challenge Proposition P adopted at the November 1975 election. In 1976 we granted leave to sue in quo warranto to the San Francisco Firefighters Association (not the proposed relator in this application); in 1979, the Court of Appeal upheld the validity of the measure. (96 Cal.App.3d 538.)

Under Code of Civil Procedure section 803, a quo warranto action may be brought only in the name of the People. The action may be brought upon the request of a private relator, but it nonetheless is a cause of action which lies only in the People and may only be brought in their name.

In general, rules or res judicata preclude a party who has once unsuccessfully litigated a question from litigating the question a second time against the same party; the prior judgment is a complete bar to any further suit by the plaintiff on the same cause of action. (E.g., *Slater v. Blackwell* (1975) 15 Cal.3d 791, 795.)

This rule applies where a judgment becomes final and where a later appellate opinion changes the law on which it was based. In *Slater*, a plaintiff injured in an automobile accident was denied relief because of the California "guest statute." She argued the statute was unconstitutional, but her contention was rejected by the Court of Appeal. After the judgment became final, the Supreme Court in another action held the statute unconstitutional and the plaintiff then filed a new action in which she claimed the Supreme Court decision should be applied retroactively. The Supreme Court concluded that res judicata barred the second action; as the court emphasized, "[o]ur courts have repeatedly refused to treat the self-evident hardship caused by a change in the law as a reason to revive dead actions . . ." (15 Cal.3d at 797; emphasis in opinion.) Similar results were reached in *Federated Department stores v. Moitie* (1981) 452 U.S. 394, and *Zeppi v. California* (1962) 203 Cal.App.2d 386.

The circumstances here are virtually identical to those of *Slater*, since the People unsuccessfully litigated the validity of Proposition P and the Supreme Court later reached a contrary legal conclusion.

d. Validating Acts

Proposed defendants also argue that validating acts have been adopted by the Legislature that are applicable to the charter amendments challenged in the proposed action. It is contended the validating acts cure any defect present in the charter amendment procedure and create an absolute six months bar from the effective date of the validating acts to commence any action contesting

the validity of the acts in question.

Each of the validating acts contain virtually identical language. The proposed defendants argue that courts have held that the Legislature has the right to validate all defects in proceedings except those which have resulted in violation of constitutional rights. (*De Jong v. Pasadena Unified School District* (1968) 264 Cal.App.2d 877, 884.) It is argued that the cited validating acts are such curative legislation.

It is argued that the Legislature could have exempted the submission of charter amendments from the meet and confer process of the Meyers-Milias-Brown Act prospectively and retrospectively and that section 6 of the acts provides that general curative authority. Section 7 thus provides a six month limitation to challenge the action.

Proposed relator argues first that the validating acts do not apply to matters currently under challenge and second that the authority of the City to adopt measures without compliance with the Meyers-Milias-Brown Act was in litigation which had not been resolved; section 6(c) of the validating acts, thus excludes its application to these charter amendments.

In addition proposed relator argues that the six month limitation period of article 7 is not applicable to actions such as quo warranto proceedings initiated on behalf of the People. *People v. Chambers* (1951) 37 Cal.2d 552, 559, is cited for that general proposition. It is argued that express statutes apply certain limitations to "the state" so that "the state" consents to be bound in the same manner as private parties. Proposed defendants refer to section 345 of the Code of Civil Procedure as such a statute. That provision makes the limitations set forth in section 335 through 349.4 applicable to the state. (See *Philbrick v. State Personnel Board* (1942) 53 Cal.App.2d 222, 228-229 (state not bound unless a statute expressly or by necessary implication so provides).)

Each party sets out competing principles which if accepted could be determinative to the success of this proceeding.

e. Consideration of the Public Interest

We believe the court will accept the analysis above concerning the application of section 349.1 and conclude that the statute of limitations bars this proceeding. We also believe that the court will also conclude that as to Proposition P, the Court of Appeal decision in 96 Cal.App.3d 538 bars this proceeding on principles of res judicata. We also believe the validating acts including the statute of limitations apply to the charter amendments. However, we believe that it is in the public interest for such a decision to be made by the court in the proposed proceeding. Consequently, we find that proceeding with proposed action is in the public interest.

Very truly yours,
JOHN K. VAN DE KAMP
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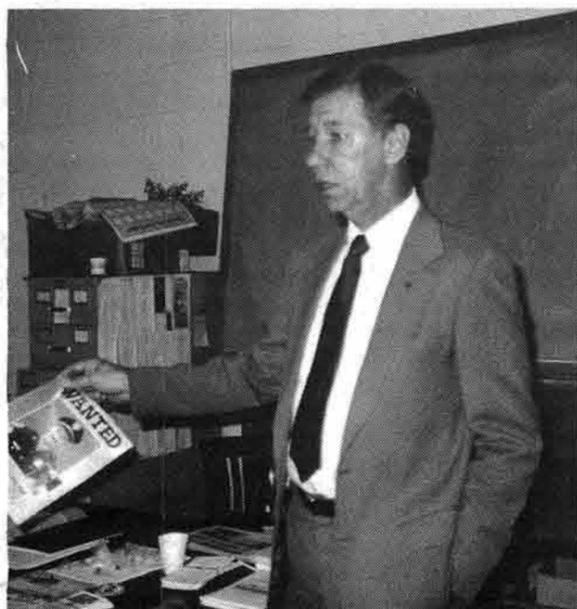
POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



PAL BASEBALL

PAL BASEBALL SIGNUPS SCHEDULED. PAL Bantam and Intermediate Baseball signups for boys and girls between the ages of 11 thru 14 will be held on Saturdays March 8th and March 15th from 10 am to noon at Larsen Park, 19th Avenue and Ulloa. Players must make personal signups. No signups accepted past the above dates. Every effort will be made to place players with teams closest to their homes.



National PAL Executive Director Joe Johnson appearing before a CAL PAL general meeting recently.



Det. Joe Johnson, National PAL President (3rd from left) with newly elected officers of the California Police Activities League. Johnson was the guest speaker at a recent CAL PAL meeting. Newly elected officers are: (left to right) Off. Mike Kollar, Treasurer (Vallejo PAL), Sgt. Dan Ortega, 1st Vice-President (San Jose PAL), Off. C.A. Robertson, President (Richmond PAL), Sgt. Bob Foster, 2nd Vice-President (Oakland PAL), and Off. Joe Mollo, Secretary (San Francisco PAL). As a result of Johnson's appearance, San Francisco PAL and Vallejo PAL are now official members of the National PAL. Other agencies are expressing interest in joining. (photo by Herb Lee)

PAL FLOAT FEATURED IN CHINESE NEW YEAR'S PARADE

The San Francisco Police Activities League will be sponsoring its Parade float in the upcoming Chinese New Year's Parade scheduled for Saturday March 8, 1986 at 7 p.m. This year's route will begin at Second and Market Street to Stockton St. North on Stockton to Post. East on Post to Kearny, and North on Kearny to Columbus and Kearny where it will disband.

This marks the year 4684, the Year of the Tiger. The PAL float will feature a large Tiger as its entry and surrounded by huge Chinese kites on a bed of pink and blue clouds. The theme was originated and created by the noted Kite maker Mr. Leland Toy who volunteered his services to the PAL. Our thanks again to Parade Director Jim Louie for his hundreds of hours of volunteer service to the PAL along with our Float Committee. This is a "DON'T MISS SEEING" float. More than 350,000 spectators are expected. Our readers are cordially invited to view the parade and cheer the PAL float as it passes by.



PAL Soccer Co-Commissioners are Officers Don West (left) and Dan Inocencio (bottom), assigned to Potrero Station. Others in the photo are: Izzy Martinez (center), and Officer Gabe Harp (right). The 1986 PAL Soccer season again appears to have over 1,000 players.

PAL AAA WCAL HIGH SCHOOL RELAYS

The 15th annual PAL AAA WCAL HIGH SCHOOL RELAYS is scheduled for Saturday March 15, 1986 at McAteer High Track Field, 555 Portola Drive. First event will be called at 9 a.m. This event features varsity and froshoph teams from public and Catholic high schools in San Francisco. Schools sending teams include: Balboa, Galileo, Lincoln, Lowell, McAteer, Riordan, Sacred Heart, St. Ignatius, Washington, and Wilson High Schools. Galileo won the varsity team trophy last year. Volunteer track officials are welcome. Simply call PAL Headquarters (695-9977) prior to the meet. Coffee, donuts, and lunch provided for all meet officials. The public is invited to attend. No admission fee.



Inspector Manny Barretta (Investigations), was the guest speaker recently at a meeting of the PAL Cadets. (photo by Herb Lee)

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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



PAL Cadet Ski Trip. Great time had by all.

PAL LAW ENFORCEMENT CADETS

The PAL Law Enforcement Cadet Program meets each Tuesday night from 6:45 to 9:00 p.m. in the 6th floor Auditorium at the Hall of Justice, 850 Bryant Street. Boys and Girls in high school interested in finding out more about the Cadet Program are to call PAL Headquarters (695-9977) for further information.



PAL KITE FLYING WORKSHOP

The PAL announces a Kite Flying Workshop scheduled for March 21, 1986 at the old National Guard Armory, 337 14th Street. The workshop will be conducted by the noted San Francisco Kite Maker Mr. Leland Toy starting at 7 p.m. No experience necessary. Supplies furnished. Mr. Toy is a noted expert not only on how to make a kite, but also on the historical background of kites. Come meet Mr. Toy and learn how to make a kite. A great opportunity to bring your youngster and do a project together. Call PAL Headquarters (695-9977) for signups. This will be a prelude to a major fundraising event for the PAL in June. For the first time, Kitemakers of San Francisco (Pier 39) along with Radio Station KLOK-FM (103.7), will be sponsoring the 14th annual Father's Day Kite Festival on June 14-15, 1986. All proceeds to benefit the PAL. Mr. Leland Toy is the Director of the Festival. He is a San Francisco Kitemaker who has been involved in flying and construction of kites since 1974. His creativity has won him awards from the Smithsonian Kite Festival, the Maryland Kite Festival, the Washington State International Kite Festival, the Twelfth Annual San Francisco Father's Day Kite Festival, and other festivals. He has exhibited his kites in art galleries in Kansas City and at the Children's Museum in Los Angeles and Phoenix. Some of his works may be seen at his latest exhibit at the Tygress 50 Gallery/Shop at 2118 Hayes Street in San Francisco. His kites will be on exhibit for the next several months. Drop by and see his works. Mr. Toy is active in the American Kiteflier's Association as one of its past regional directors. He is also one of the founders of the newly formed California Kite Group. Mr. Toy has also hosted a television kitemaking series in Virginia, and authored a kitemaking booklet "Flight Patterns". His most exciting project to date was when the noted movie Director Francis Ford Coppola requested his assistance in making kites for an upcoming movie "Peggy Sue Got Married", which should be released this summer. The Police Activities League is fortunate to have the volunteer help of Mr. Toy in helping kids make kites. so, please take advantage of this opportunity and call PAL Headquarters (695-9977) and signup for the Workshop.

"GO FLY A KITE!!"

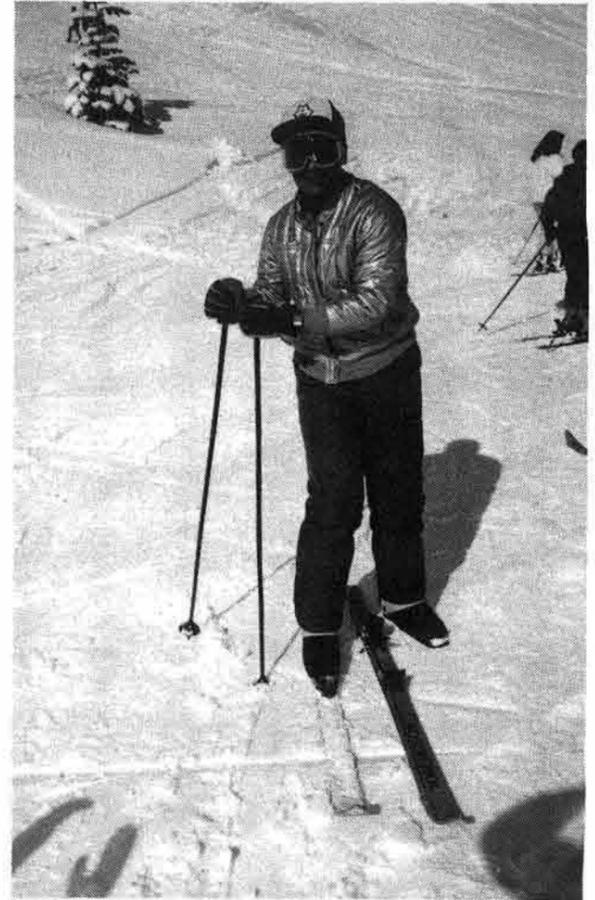
Has anyone ever told you to go fly a kite? Well, here's your chance to say you will.

Kitemakers of San Francisco (Pier 39), is co-sponsoring a Kite Festival along with Radio Station KLOK-FM on June 14-15, 1986. All proceeds to benefit the PAL.

You are cordially invited to participate. There will be several events you may enter. The fee is \$1.00 per event. Simply show up on Saturday June 14th at Marina Green. The first preliminaries will begin at 9:00 a.m. Finalists will compete on Sunday June 15th for many prizes.

Moms and Dads, here's your chance to bring Junior or your daughter and enter them in their first contest. Events include Smallest kite, most line out, Kid's Kite Catch, Best Angle of Flight, Touch Me Event, Most Beautiful, Most Humorous, and Theme Kite. There will also be a Stunt Kite Competition. Several food vendors will be on hand for refreshments. Come one, come all. Remember, all proceeds to benefit the San Francisco Police Activities League.

The PAL is sponsoring a Kite making Workshop on Friday, March 21, 1986 7 PM at 47 Julian Street (rear of the old National Guard Armory, 14th and Mission Sts). Mr. Leland Toy, an expert Kite maker, will conduct the class. There is no charge. You must call PAL Headquarters (695-9977) for signups. Bring the Kiddies. Learn how to make a kite for the upcoming Kite Festival. All supplies provided (as available). Get some inside tips from a Master Kitemaker.



PAL BOXERS SWEEP

SAN FRANCISCO GOLDEN GLOVES

San Francisco PAL Boxers under the tutelage of Head Coach Erwin Bunge, recently swept the San Francisco Golden Gloves by winning Seven Championships and the Team Trophy. San Francisco PAL Boxers include: Novice Division Juan Castenada 112 lbs., Jose Reyes 132 lbs., and Mike Martin 139 lbs. Representing the Special Seniors Division are: Luis Ramirez 119 lbs. and Robert Bowman 132 lbs. Paris Alexander 126 lbs. and Pedro Fernandez 139 lbs. were crowned Champions in the Open Division. In all, not a bad night's work. Our congratulations to all the PAL Boxers for their tremendous showing. Credit should be given to Head Coach Erwin Bunge and his assistant PAL Coaches John Hughes and Lepp Webster for the hundreds of volunteer hours at the PAL Boxing Facility located at the old National Guard Armory, 14th and Mission Streets. Boys between the ages of 10 thru 18 interested in Boxing simply drop by and see Head Coach Erwin Bunge for signups. Representing San Francisco in the Golden Gloves Regionals to be held in Richmond, CA will be our Open Division Champions Pedro Fernandez and Paris Alexander. A wrapup will be published in next month's column.

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SPORTS

USC vs. Notre Dame Football Trip

by Larry Frost, Co. K

Gentlemen, I have set up the trip to Los Angeles and it will be as follows....

Leave S.F. AIRPORT the morning of NOV. 28th
Return home on Sunday afternoon NOV. 30th

We will be staying in downtown Los Angeles (close to if not the Biltmore Hotel)

PRICE: \$225.00 per person (includes round trip air fare, two nights accommodations and tickets to the game)

I have 20 tickets ordered from Notre Dame. I have five (5) people already paid (including myself). I will take everyone else on a first come first served basis. When I get to 20 I will keep others on a list in case someone wants to cancel. Then those who can't make it can just sell their tickets to those on that list. Actual times of departure and airlines, hotel, etc. will be mailed out in the next couple of weeks I have had to do this early this year as it is Thanksgiving weekend and in the past when I waited too long I had difficulty getting a place to stay for the amount of people we had as everything was booked up.

We will also have a first ever "BLENDER CHAMPIONSHIP" this year as Jeff Smith of Company 'A' and Mike Rolovich of the S.F. Fire Dept. will both be bringing blenders on the trip.

4-Time Winner In Golden Gloves

By Jack Fiske

One morning in January a year ago, Pedro (Pete) Fernandez woke up and realized he wasn't the Golden Gloves champion any more. It was a severe disappointment after winning a title three times in a row.

Last night at Civic Auditorium, Fernandez turned to the audience of 1433 at the finals of the gloves and even before the decision was announced waved his gloves aloft and told them "Champion once more."

Fernandez is a 28-year-old cop, on the force five years, who trains and boxes to get his kicks. Last night he decided San Jose post office worker Adolph Trujillo in a closely contested 139-pound Open final to give him his fourth championship, but the first he won in his home city, and the first at the Civic, where he first got a glimpse of boxing.

Now working out of the Hall of Justice in Community Relations, Fernandez is a youth worker in the Mission, the district where he was born and raised. "I was a patrolman and in plainclothes, but now I take kids to Yosemite," he said.

"I won the Novice title in Alameda and the Junior and Open in Concord, so this is the first time for me in San Francisco. Last year I lost it here. My eventual goals is six titles. Jack Padia and Rey Ordonio won it five times. I want six."

Reprinted from the San Francisco Chronicle.

HANGTOWN POLICE 13TH ANNUAL SUNDAY, JUNE 1, '86

Last year's Hangtown Police Association Destruction Derby attracted over 56 entries from 26 different agencies from all over the state and from as far away as Los Angeles (you know-Jack Webb, Adam 12). This year marks the 13th anniversary (unlucky year for you!). We are making changes to make this the best and biggest Derby yet. Entries are already pouring in and most are from last year's bumper (get it-bumper) crop of blood-thirsty, maniacal, vindictive nitwits who somehow extract a certain degree of pleasure from crashing into each other in the middle of a mud arena in full view of a screaming throng of spectators, comprised mostly of friends and relatives cheering for continual vehicular assaults.

We have room for several rookie drivers this year, as we like to provide target practice for the veteran drivers. Why not join us for the derby this year on June 1. Even if you have never entered a derby before, there is still time to mail us that lousy thirty (30) bucks (come on, it's income tax deductible) and get a car ready for annihilation.

Of course, we realize that this type of fun is not for everyone and so, for those of you that lack courage (guts) and wince at the mere thought of becoming involved in this brutal pastime; — may we suggest checkers or pee wee golf.

Anyway, if you think you measure up to this macho event (the derby-not the checkers or golf), there is an application enclosed (get your watch commander to give you a hand reading it!). You do not need the expressed written consent of major league baseball or the national

*** ENTRY FORM ***

PLACERVILLE POLICE ASSOCIATION
222 MAIN STREET, PLACERVILLE, CALIFORNIA 95367

JUNE 1, 1986



NAME (if you can't write, make an "X", but have someone print your name.): _____

YOUR ASSOCIATION OR DEPARTMENT: _____

CAR YEAR: _____ MAKE: _____ MODEL: _____ DERBY YEARS: _____

DERBY WINS: _____ (HEAT) _____ (MAIN) (Please indicate 1st, 2nd, or 3rd.)

PREFERRED CAR NUMBER (1st come, 1st served): (1) _____ (2) _____ (3) _____
(List 3 numbers in order of preference-in order which you like them most.)

OF PERSONS PLANNING ON ATTENDING THE DERBY: _____

HOME ADDRESS (so we can send you an application next year or, if your lucky and win--A LETTER HOME!): _____

NICKNAME (if you doesn't got one, make one up or I will.....IT'S REQUIRED.): _____

PHONE: _____ (HOME) _____ (WORK)

PLEASE BRING \$30.00 FOR ENTRY FEE (CHECK)

basketball association to make copies and give them to friends (if you have any). We will mail the rules and regulations when we receive your application.

Attention:...for all of you snivelers — we've added a special heat and a super main event for imperials only.

Plans are being made to have a pre-derby BBQ and dance on the night before the big event (derby) in the camping area at the fairgrounds (sorry folks, we're '86'd" from Crazy Horse Campground). Dinner price is \$5 for adults and \$3.50 for children under 12 yrs. Send in your reservation ASAP so we can plan for the BBQ.

The El Dorado County Fairgrounds has reserved two nights (Fri/Sat) for the tailgate party-goers who wish to arrive early. Electric and water hook-up is available. The cost is \$7.50 per hook-up per night, and payable upon arrival.

See You In June!
Laurie Edwards
'86 Derby Chairman

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ON THE STREET/Tom Flippin

THE LAST WORD

by Pete Maloney
Editor



No on Prop. 'A'

Proposition 'A' is the mayor's proposal to reform Civil Service by completing the emasculation of the Civil Service Commission and replace its function with a personnel czar reporting directly to her.

It was originally part of a three part plan including a resolution of the outstanding 'comparable worth' issue worth thirty million dollars and a collective bargaining law for city employees. The collective bargaining agreement would not have affected Tier 1 pensions and would have been 'advisory' rather 'binding' arbitration. It was also hinged on including the police and fire departments in the 'Employees Relations Ordinance' which provides 'binding arbitration' for grievances. Police and Fire are the only city departments not currently afforded this protection. It was one of the vital pieces of the picture which would have provided equitable treatment under the proposed czar of personnel. Without it the measure has no protection for the rights of employees.

When a staff work error failed to advise the mayor of the 'ERO' provision and was brought to her attention, the mayor killed the collective bargaining proposal and is moving forward with the one sided so called reform measure.

The P.O. A. and Firefighter Union are working in concert with all other city worker unions to defeat the measure. The mayor's cupidity in this matter is clear and I don't think the citizens of this city are going to agree with a law that treats the men and women unjustly when those same citizens expect and deserve service and fairness from them.

AMIGOS

**2nd Annual Luncheon
Honoring
Merchants & Industry**

We all had a ball on January 24, 1986. LAW ENFORCEMENT month was very well received.

Judge Perker Meeks, Supervisor Wendy Nelder, Deputy Chief Vic Macia, Harvey Rose, Controller Mr. Farrell, Beatrice Cardenas, Dr. Carlos Ramirez, Gloria Barcojo, David Bracker, Pansy Waller, Rita Alviar, Clemente Obregon, Arlo Smith, Rudy Meraz, L. Pineda, Mary O'Connor, Debra Barnes, and of course the Honoree's Tom Hsieh, Jo Ann Daly, our good friend Burl Toler could not attend. Good reason.

Thanks to John Cortade and his lovely lady for helping us at the bar.

Many thanks to Carolyn Reilly and to Rachel Karp, who brought her Mom and Dad to our Amigo Lunch.

Mrs. Karp donated a watch pendant that Capt. Michael Lennon won! New Commissioner Juanita Owens, Mark Galipeau, Rex Pendleton — local 410. Deputy Chief Macia picked the hat from Local 66 to golf in as a prize.

All in all it was a great affair! Thanks again to Frank Hutchins and Jaime Estrada for their help!

Thanks to our Vice-President Oscar Carcelen and his wife and especially to Shirley Cohelan Burton our Amigo President.

All the programs for our seniors are going well.

We are looking for a night time recreation person. Someone who can develop and implement youth activities and can actually relate to young people. We need a full-time committed person for very little pay!

We now have a new van! We hope to get Michael Hardeman to put our logo on it soon.

Don't forget we have a youth employment program at our Center. If you have any jobs, call Maria Coto, 826-6880.

Bring an Amigo or an Amiga!

Hasta!

February 28, 1986
at 12:00 NOON

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