

NOTEBOOK



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California Organization
of Police & Sheriffs.

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

VOLUME 19

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NUMBER 4

'Political Tinkering'

Mayor Exceeds Authority In Criminal Investigation



by Bob Barry
President

April 9, 1987
Frank M. Jordan, Chief of Police
San Francisco Police Department
850 Bryant Street
San Francisco, Ca. 94013

Dear Chief Jordan:

I am writing you to express some very deep concerns I have regarding departmental procedures which have been implemented relative to the on-going investigation of San Francisco Police Officer Eugene M. Yoshii.

My concerns are primarily in the area of "confidentiality" of criminal records, criminal investigative files, personnel records and procedural due process rights. However, I am also quite concerned regarding the "political pressure" which has permeated this entire investigation. Although I must address the "Yoshii" investigation specifically, the concerns I will raise here have a profound effect upon all San Francisco Police officers, and it is in this regard that I direct this inquiry to you.

Further, I would like to advise you that the San Francisco Police Officers' Association has not, and in all probability will not, provide legal counsel to Officer Yoshii during the course of this investigation as the conduct alleged

does not fall within the "course and scope" of employment as a San Francisco police officer and would therefore not meet the Police Officers' Association's guidelines to provide such legal counsel.

The POA will, however, make every effort to insure that Officer Yoshii's procedural due process rights are protected at all times as we would do for any other officer under similar circumstances. Insofar as Officer Janet Scarborough (the complainant in this situation is concerned) the POA will, upon her request, consult with her and provide her with the same level of assistance as provided to Officer Yoshii or other officers in similar situations.

As far as the investigation is concerned, my understanding of the situation, without having any direct knowledge of the underlying facts, is as follows:

A criminal investigation concerning an allegation of a sexual assault filed by Officer Janet Scarborough was undertaken by the San Francisco Police Department's Sexual Assault Detail with Inspectors Martin Bastiani and Kevin O'Connor assigned to the case.

The Inspectors, both of whom are experts in their field, then conducted an "exhaustive" investigation into these allegations and presented their findings to Deputy District Attorney Peter Cling for his review. Mr. Cling is the Chief Assistant District Attorney in charge of the Sexual Assault Unit within the District Attorney's office.

On Wednesday, April 1, 1987, Mr. Cling received the investigative file from Inspectors Bastiani and O'Connor and at that point he interviewed Officer Janet Scarborough. On Friday, April 3, 1987, Mr. Cling and Assistant District Attorney Ms. Linda Klee, advised Officer Scarborough of their decision (and the decision of District Attorney Arlo Smith) not to prosecute this case. The conclusion reached by the District Attorney was that no crime had occurred.

During the weekend of April 4-5, Officer Scarborough verbally communicated with Mayor Dianne Feinstein regar-

ding her allegations against Officer Yoshii. Mayor Feinstein then communicated with San Francisco Police Inspector Herman Clark and directed Inspector Clark to conduct a parallel, independent investigation of these allegations. Inspector Clark is assigned to provide security to Mayor Feinstein. Mayor Feinstein then contacted you over the weekend and advised you to assign Inspector Clark to "reinvestigate" this case and to report his findings to Mayor Feinstein. If this is, in fact, a criminal investigation, then Mayor Feinstein has now become a witness in a criminal investigation. In the event that departmental action is taken against Officer Yoshii, Mayor Feinstein may also be called as a witness in that administrative proceeding.

I fully understand that Mayor Feinstein is the chief administrative officer for the City and County of San Francisco, and as such, the mayor should be kept "generally" apprised of certain types of occurrences. However, advising the mayor of "specific" and "detailed" facts of an on-going criminal/administrative investigation is strictly prohibited by law and also violates San Francisco Police Department procedures regarding the release of such criminal investigative information to unauthorized individuals.

Referring to the mayor's directive of assigning Inspector Clark to conduct this "parallel" investigation, San Francisco Charter Section 3.101, "Non-interference in Administrative Affairs", strictly prohibits the mayor from interfering in administrative situations (and most certainly criminal investigations) except for the purpose of "inquiry". The mayor may confer only with the Police Commission or its president (not the Chief of Police) for the purpose of "inquiry", not for the purpose of "giving direction".

Assuming that the mayor strictly followed Charter Section 3.101, the "Commission" or its president would also be restricted in either receiving or divulging any facts regarding this case, as the Commission may eventually act as the "trier of fact" in any future administrative proceeding against any employee connected with this case, should one arise. Additionally, should any of the police commissioners receive any briefing on the facts of this situation prior to a determination that no administrative hearing be held, such a briefing would clearly prejudice their objectivity in any future administrative proceeding.

Insofar as Inspector Clark is concerned, I must ask for clarification as to his role here. Have you, as the Chief of Police, formally assigned Inspector Clark to this case, and if so, in what capacity? Is Inspector Clark doing a criminal investigation, the administrative investigation, or is it a "review" of the case for the benefit of "advising" the mayor of the City and County of San Francisco? In any

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PELOSI VICTORY AND POLICE POLITICS



by Paul Chignell
Political Correspondent

The victory by Democratic Party activist Nancy Pelosi in the Democratic Primary election for the House of Representatives on April 7th is the opening round in an important political season for the San Francisco Police Officers' Association in 1987.

The last act in this drama will be held in December with the expected runoff after the primary for the Mayor's race on November 3, 1987. Because the administration of the Police Department and the general welfare of our members is so dependent upon who sits in Room 200 of City Hall, the Mayor's election will be a watershed event for our organization and its members.

PELOSI-BRITT FIRST TEST

The victory of Nancy Pelosi over Harry Britt, Bill Maher and Carol Ruth Silver was the opening salvo in the Mayor's race with the POA integrally involved in the election. Pelosi showed that despite the fact that she had never run for office before and despite the fact that the other major can-



Nancy Pelosi

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SGT. JACK YOUNG DAY ANNUAL PICNIC

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San Francisco Veteran Police Officers Assn'n

MEETING:
The regular monthly meeting of the San Francisco Veteran Police Officer's Association will be held on Tuesday, April 14, 1987 at 12:30 P.M. at the Miraloma Improvement Club, 350 O'Shaughnessy Blvd., San Francisco, California.

PRESIDENT'S MESSAGE:
A good time was had by all at our annual St. Patrick's luncheon. Hot corned beef and cabbage, veggies and rolls for two bucks wasn't too shabby for these times.
Unfortunately, we had to delete from our roles eleven members, who, after numerous notifications, failed to forward their nine dollars a year dues. Should anyone who attended the March 10 meeting know any of these fellows, please tell them we'll gladly reinstate them as soon as they comply with our rules.
An insurance policy for cancer and intensive care was described by Ed Wichmann of American Family Life Assurance. This company is already insuring some of our active and retired officers. If you are interested in more information, contact Ed at (415) 562-0141.
Dick Castro, President

SOL WEINER REPORTS:
Any member wishing outside employment should contact Sol at the Police Credit Union, as he has a couple of good employment opportunities.

SICK CALL:
Rudy Kopfer is at home recovering from a Hernia Operation.

NEW MEMBERS:
Leonard Engel, Alan Sonoda, and Stanley Odmann. We welcome you into our Association.

IN MEMORIAM:
George Stanton 03/12/87.
Dan Linehan, P.O.A. Treasurer, gave a brief talk at the last meeting on what the association has in mind to put on the ballot in 1988.
Everyone should have received his new pay raise on the March check. This amount will vary as to when the member retired and what plan he retired under.
Dick Castro, President
Bob Pardini, Secretary

The San Francisco Police Officers' Association

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HOME MORTGAGE INTEREST UNDER TAX REFORM

by Duane Collins
Tax Consultant

Lately there has been much confusion regarding the deductibility of home mortgage interest under the new tax reform package. The new law states that mortgage interest on up to two homes is deductible. But there are some catches. August 17, 1986, was the deadline to refinance. If you refinance on or after that date the interest is only deductible up to the purchase price plus improvements, or if the proceeds are used for medical or educational expenses.

This was done to stop taxpayers from taking out home equity loans to pay off consumer credit (personal loans, credit cards, auto loans, etc.) where the interest is no longer tax deductible.

If you refinanced beyond the purchase price before August 17, 1986 you are probably safe. If you are considering or in the process of refinancing your home, you had better check with your financial consultant as to the deductibility of the interest. Banks and Mortgage companies are **NOT** required to tell you, you have to ask.

Example: If you purchased a home in 1978 for \$60,000 and before August 17, 1986 you refinanced for \$100,000 a new 10% 30 year loan, you would have approximately \$10,000 in interest to deduct from your taxes first year, no problem.

Example: If you closed the same loan on the same home, but closed **after** August 17, 1986, you could only claim \$6,000 in interest. (Purchase price divided by loan amount equals percentage of deductibility) \$60,000 divided by \$100,000 equals .60 or 60% of \$10,000 interest equals \$6,000.

The lost \$4,000 in interest deductions at a 28% tax rate would require you to pay \$1,120 more in income taxes!

Of course you could use the money for medical, education, or improvements. But you had better be able to back up your claim with receipts if you are audited.

This whole process opens up many questions:

What if you financed, as in the first example before August 17, 1986, but now want to refinance again for the same amount but maybe a lower interest rate? Does it go back to \$60,000? or is it maintained at \$100,000?

What if you have to refinance to buy a wife or husband out because of a divorce? Is that a sale? If so, does it affect property taxes? Etc., Etc.

Whatever you do, be sure you get good financial advice or you could be in for a big surprise on April 15th!

"For Retired Members Only"

As coordinators of our Retirement Planning Seminars, Mike Sugrue and I have given a lot of thought of implementing a column that will appear monthly in our newspaper publication.

It would deal solely with news items regarding our retired members. To make it a success we are asking you for your cooperation.

I know that many of you enjoyed reading the article about Dave Flam that appeared in the March issue of our publication.

Don't feel that anything you have to say has to be earth shaking. Many of your former comrades would be interested in just knowing where you are residing, how you can be contacted and the personal status of your health.

Once again, to get this project off the ground floor we are asking for your cooperation. If you need further information, please don't hesitate to write us at Retirement Planning Seminars, 510 7th Street, San Francisco, Ca. 94103 or contact us at 415/861-5070.

Fraternally,
Gino Marionetti
Mike Sugrue
Coordinators Retirement
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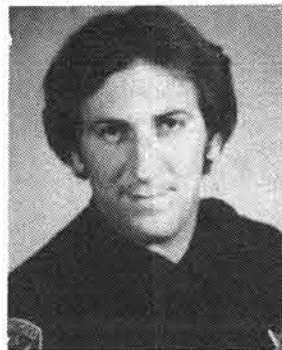
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VICE PRESIDENT'S COLUMN

by Ron Parenti



Here she goes again. The mayor of San Francisco is using the power of her office to become directly involved in a criminal investigation. Once again she wants to "do it all."

Mayor Feinstein has decided that the investigation into allegations of a sexual assault conducted by two experienced, dedicated, competent and respected sexual assault crime inspectors was not sufficient. Additionally, she feels she is better suited than the district attorney's office to decide what is criminal misconduct.

The incident to which I refer is one in which a female recruit officer alleges sex by force/cohesion against her male training officer. The case was assigned to and investigated by the Sex Crimes Detail, the results of which were forwarded to the district attorney's office for disposition. The professionals in the district attorney's office determined **no basis for criminal charges** existed against the male officer. In fact, the DA's office questioned the in-

tegrity of the female complainant.

In steps the mayor. Political pressures convinced Mrs. Feinstein to launch a personal inquiry. Thus, Inspector Herman Clark, the mayor's body guard (a homicide inspector when not assigned to mayoral duties) was commissioned to reinvestigate the case.

What personal insults to Inspectors Bastiani and O'Connor and to Assistant District Attorney Peter Cling! Their competence has not been questioned before. Why now? How about the insult to Frank Jordan? He is the Chief of Police! Doesn't the mayor have confidence in the elected/appointed personnel whose responsibility it is to determine cause for possible prosecution?

As if that isn't bad enough, how about the personal affront to the male officer involved? Without hearing his side of the story, the mayor decided the investigation by the police department and the district attorney's office was not up to her standards. After completing his examination of the evidence, Inspector Clark has concurred with his colleagues.

Inspectors Bastiani, O'Connor, Assistant District Attorney Cling, Chief Jordan and particularly the male officer involved deserve a personal apology from the mayor.

The allegations made in this case were very serious and had they proved true, criminal prosecution should have gone forward. However, that was not the case. These politically motivated witch hunts, which occur after independent investigations clear an officer and are carried out for no reason other than that the accused is a police officer, have to stop.

Retired Member Column

by Gino Marionetti

I spent 34 years as a member of the San Francisco Police Department and have been retired as of November 5, 1984.

Retirement life is not what I had been looking forward to. I found the transition of going from an active life to one of inactivity most depressing. The final result was that I went into a deep depression that lasted for approx. 7 months.

My biggest mistake was that I hadn't planned for my retirement, and, when it did come around I couldn't cope with the sudden change in my life style. The freedom, the inactivity, how to fill in the hours of the day caused me great grief. To overcome my depression it was necessary for me to receive psychiatric care.

Freedom is a wonderful thing if it is put to good use; however, if it isn't, it can swallow you up like quicksand. It is not a door to unlimited pleasures but a time for one to pursue new opportunities and endeavors.

One receives so many blessings in our life time that there comes a time when one feels obligated to give something back in return.

The voluntary work that Mike Sugrue and I decided on and what has given us so much enjoyment is our Retirement Planning Seminars. We know they are more informative and beneficial than a testimonial dinner that is usual-

ly given to one on retirement.

Other things I found to do that gives me great comfort are my hobbies! I still continue to make gem trees on special occasions. My latest venture: approximately 1 1/2 years ago I went back to college and took a course on the technique of working with stained glass. My ultimate goal is to make beautiful Tiffany lamps.

There also comes a time during our retirement life when we may wish to taper off. One thing for certain and that is that we should always find a few moments in the day, that we can take things easy and just take the time to smell the beautiful scent of the roses.

Hope you are all enjoying your retirement. Just to have been born, just to have lived at all; how wonderful that is. My last thought to all the retired members is to live each day to its fullest, as no one promised us a tomorrow.

Dr. Rodrigues

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UNITY NOW

by Dan Linehan, Treasurer

Recently I was called to the administrative office of a large real estate company located in the Southern District regarding a theft of a video cassette recorder. Upon arrival I met a lady who informed me of the circumstances surrounding the theft.

During the interview, our complainant stated that the president and the executive officers of the corporation recently received a shipment of a large amount of steaks sent from an owner of a large casino in Nevada. She stated that a few of the steaks were stolen and did not reach their intended destinations. She further stated that her company "did business" with the casino owner.

During the interview I could not help but think of the corporate officers whose income probably reached over one hundred thousand dollars per year, receiving these free shipments of food. How ironic that these people who can

well afford to purchase these items get them for free.

Our investigation led us to the location of the theft. As we walked through the office, we were observed by one of the "executive officers." We were stopped and asked why we were in the office. Our complainant advised the gentleman of the theft and what she had told us. This woman was so nervous speaking to the executive officer she could barely stand up.

This executive officer expressed outrage at the theft and somehow looked upon our complainant as responsible for the company's loss. It should be noted that the company's assets reach into the billions and this executive officer was outraged over the loss of one video cassette recorder, approximate value three hundred fifty dollars.

As a law enforcement officer, I cannot condone criminal acts regardless of the victim but I will always remember the executive officer and how he treated our complainant. The very same man who completed the land deal with the casino owner and now receives free food while making a hundred thousand dollars a year. Just another case of big shots getting all the "goodies" while the people who could least afford it get nothing.

As a person who is active in maintaining the working conditions of the police department's "little people," this incident proved to me that if we are ever going to receive our fair share, we must stand together. This executive officer is the type of person that opposes our efforts to make a better life for ourselves and our families. The same type that wants strict enforcement of the laws but is unwilling to pay for this quality enforcement he expects.

We must align ourselves with our fellow unions who seek to better the working conditions of their members. When we support their efforts, they will in turn support our efforts to better your conditions. I believe that the P.O.A. must rejoin the International Union of Police Associations

and join the national voice in the betterment of police officers throughout the United States. This will allow us to join the San Francisco Labor Council and give us a voice in local union affairs.

PIPEFITTERS' STRIKE

As I write this article, several members of the Pipefitters' Union Local 38 are on strike. This issue is simple — working conditions for their members. During the past seven years, these employees have had their wages frozen. They have not received one penny in a salary increase for over seven years. Now their employers want to decrease their wages by twenty-six percent.

Place yourself in their position and I ask you — what would you do? How would you feel if this city refused to give you a raise for seven years and then asked you to give up over a quarter of your salary? I know how I would feel and I think you would feel the same.

As police officers, we will be called upon to enforce the laws should the strike become unruly. That is our duty and we must perform our tasks. I ask you to remember the reason for the strike and the demands of their employers. The same employer who opposed us when we placed our ballot measure before the voters and will continue to oppose us in the future. Remember the executive officer receives the free steaks while earning over a hundred thousand dollars per year.

At the April meeting of the Board of Directors, I will make the motion to reaffiliate our Association with the national organization protecting our working conditions. I will ask for a vote of our membership to take place in the near future. We must join with labor to protect us against the forces who seek to "keep us in our place." The same forces who seek to reduce the 1979 wages of the pipefitters by twenty five percent. What happens to them will set the stage for us in the future.

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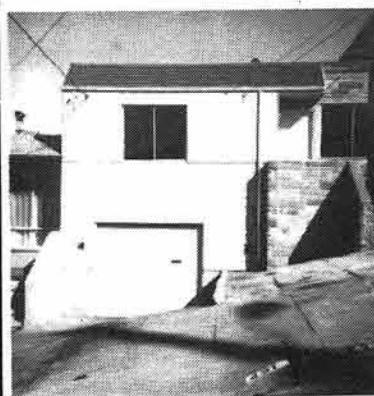
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DRUG TESTING - A SIGN OF CHANGING TIMES

By Reno Rapagnani

The publication of a report entitled AMERICA'S HABIT: DRUG ABUSE, DRUG TRAFFICKING, AND ORGANIZED CRIME, issued by the President's commission on Organized Crime early in 1986 triggered the entire country into drug testing mania. The directive from the President's report was clear; "Every employer, public and private, and public education institutions at all levels should have clearly-stated policies prohibiting drug use, possession of drugs, or being under the influence of drugs on their premises. The consequences of violating these prohibitions should be clearly explained."

It was only a matter of time before our Department and Association would confront one another on this issue.

Good News/Bad News

The good news about drug testing is that the Association and the Department are attempting to reach a consensus as to the probable cause and testing procedure requirements that will give the S.F.P.D. the best drug testing policy anywhere. When General Order D-18 is finalized the concerns for a drug free Police Department and a drug testing policy that protects the due process rights of Police Officers will be addressed.

The bad news (depending upon your point of view) is for those few officers who feel that their off-duty status allows them to use recreational drugs; these Officers will be looking for employment elsewhere.

Strict Guidelines

The Association is holding fast on its insistence that guidelines established by the National Institute of Drug Abuse, guidelines utilized for the defense department and the Armed Forces since 1981, will be utilized in the testing procedures adopted by the Department to insure that the possibility of error is held to a minimum.

These guidelines will serve two purposes: First, the confirmation test will be the determining factor for suspending

an Officer pending formal charges before the Police Commission; Second, the confirmation test if positive, will end the Association's legal representation for that Officer.

The Ultimate responsibility

The Association has been fighting vigorously to protect the due process concerns that come with drug testing. While it appears that the department and the Association is reaching a consensus in the Meet and Confer process, the Association will not retreat on the issue of Due Process. However, the ultimate responsibility is that the Department provide the public with Police Officers who are free from drug usage and the Association insures that Officers are free from depending on other Officers who have crossed the line and use drugs.



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NEW CONCEPT DEVELOPED FOR POLICE COMMUNITY RELATIONS IN CENTRAL DISTRICT

By Marsha Garland
Police Community Relations-Central

Police Community Relations is active in six police districts: Central, Ingleside, Taraval, Northern, Potrero, and Southern. Each district has traditionally had a chairperson, alternate chairperson and secretary. However, it has very often been the case that the only active participant has been the chairperson. Because Central has always been a very active, as well as densely and diversely populated district, Central's PCR decided to break with tradition and set up an advisory committee, more fully representing the entire district.

Nine people comprise the advisory committee and represent a cross section of socio-economic levels, as well as national identities and the business and residential communities. In February, elections were held at the station and the following people were elected: Walter Pastore (North Beach businessman and resident), June Fraps (Telegraph Hill resident), Pat Lorentzen (Telegraph Hill resident), Al Baccari (Fisherman's Wharf merchants' advocate), Gordon Wong (Chinatown/Wong Family Assn.), Bob Pon (Chinatown Youth Center and other organizations, including the Chinese Six Companies), Marianne Bennett (Russian Hill resident), Lil Barnes (The Tenderloin, resident and businesswoman), Kate Regan (North Beach resident), Marlene Hunn (Nob Hill) and Marsha Garland (North Beach resident and businesswoman).

Marsha Garland will continue to function as Chairperson and Marlene Hunn will serve as Secretary. The Alternate Chair will be a rotating position.

Don Feeser of the North of Market Planning Commission is taking over the Tenderloin branch of Police Community Relations and relieves Lil Barnes, Anne Rovere and Bob Galbraith, whose personal lives and careers no longer allow them time to continue in their efforts. They have done a tremendous job over the past two years and can only be commended for the inroads they made.

Central's PCR has a computerized mailing list of 280 names and if anyone wants to add a name, please call Marsha Garland, 673-3228. Meetings at Central are held the

third Thursday of every month. The advisory committee would like to see the list expanded and the program better known and feels that improved communication should always be a goal.

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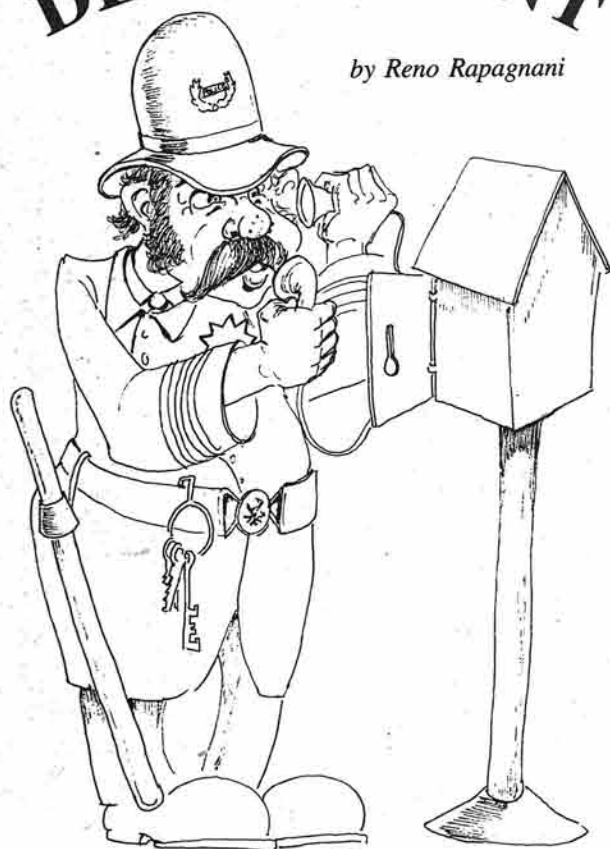
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AROUND THE DEPARTMENT

by Reno Rapagnani



RAP'S CORNER

Bad Press

It seems these days that you can't read a daily paper or watch the T.V. news without seeing some negative comment about the department. Granted we do have some officers that do get into trouble, but to the department's credit these officers are dealt with in an appropriate forum.

The Office of Citizen Complaints is especially under strict scrutiny by the press. It's my opinion that it's the perception of the press that O.C.C. has not hung enough officers. As a P.O.A. representative who has accompanied officers to O.C.C. for interviews concerning complaints, I have felt for the most part that the O.C.C. staff has conducted itself in a professional manner.

Good Press

At the new Police Academy (305 Amber, cross of Duncan Street) the department presented meritorious awards for outstanding police services. Chief Frank Jordan, in opening remarks at the ceremony, was concerned that the outstanding police work that was being recognized that night never seems to find its way on the front pages of our newspapers. Chief Jordan stressed that he would continue to encourage the press to give some publicity to the outstanding accomplishments of our police officers.

Special Congratulations to Rich Lee and Anna Lee who both were recipients of a bronze and silver medal respectively. Anna Lee and Leanna Dawydiak (who also was awarded a bronze medal) are both in a family way and presented an unusual and lovely sight on the night of the ceremony.

And Now The Good News

From Steve at Park Station, recent births:

Megan Kara to George and Nancy Countouriotis on November 20, 1986, 9 lbs. 12 oz.

Kaitlin Christine to Eric and Karen Hipp on December 24, 1986, 7 lbs. 4 oz.

Bradley Charles to Steve and Michele Zukor on February 1, 1987, 9 lbs. ½ oz. joins Shana (3 years old) and Steve, Jr. (2 years old). Proud Grandpa is Marvin Zukor (retired sergeant).

Emily Elizabeth to James and Paula Spillane on February 6, 1987, 7 lbs. 15 oz. Grandpa Jim is a retired lieutenant.

Ashley Nicole to Ned and Maureen Totah on February 12, 1987, 7 lbs. 13 oz.

Megan Leta to Don and Debby Sloan on March 6, 1987, 5 lbs. 12 oz.

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BUSALACCHI FINALLY PREVAILS

by Mike Hebel,
Welfare Officer

After three hearings at the City's Retirement Board and two trials in the Superior Court, Mario Busalacchi finally was awarded a much deserved industrial disability retirement.

In my 13 years as Association's Welfare Officer, I have never experienced such a long struggle to compel the award required by the City's charter for occupationally disabled police officers.

THE CASE

Sergeant Mario Busalacchi filed his application for industrial disability retirement on November 3, 1983 with a requested date of retirement effective January 21, 1984. His application pertained to a duodenal ulcer and a shotgun injury to his right arm.

Mario's gunshot wound occurred on August 1, 1969. He was working in the Hunter's Point area where he responded to an armed robbery in progress on Innes Avenue. He located the robbers and engaged in an extensive hot pursuit throughout the whole Hunter's Point area. Suddenly the suspect vehicle stopped and the felons began firing at Mario and his partner with a .38 pistol and a shotgun. Mario was hit with a shotgun blast, from a distance of 10 feet, in his entire right arm which he had fortunately raised to protect his face.

Mario later learned that these felons had been practicing their "police officer ambush" tactics for several hours the preceding day.

Incidentally, the felons were arrested and sent to state prison.

As a result of this severe injury, Mario was hospitalized and placed off work on an extended disability status. When he did return to work, he was left with a permanent loss of strength in his right arm. He still has buckshot in his right arm which causes him problems on cold days and when passing through airport metal detectors.

In addition to this injury, Mario developed stress induced abdominal complaints. These persisted for numerous

years but were ameliorated with medication. In 1983 these complaints returned with vengeance requiring him to be on disability leave from December 6, 1983 until his retirement on January 21, 1984.

The abdominal aggravation was directly caused by a bookmaking case which he was working on. In mid-1983, in cooperation with the FBI, and with a federal search warrant, Mario and several FBI agents went to the bookmaker's residence. While there, they were jumped and sustained serious injuries (one FBI agent had to retire because of the injury). Mario and company made the arrests.

The suspect filed a complaint with the former police department Internal Affairs Unit (this was Mario's first complaint in 30 years of police work — quite an enviable record of public service). The suspect filed additional complaints with the FBI, the mayor's office, and the city district attorney. All complaints were determined to be unfounded.

Not content, the suspect and his family set up a picket line in front of the Hall of Justice demanding, on large signs, that Mario be fired.

This stress caused an unmitigated abdominal exacerbation (pain, indigestion, and bleeding) leading Mario's treating doctor to strongly urge that he retire from police work. Mario followed his physician's advice.

RETIREMENT BOARD HEARINGS

Mario's application for industrial disability retirement required a record setting three separate hearings — August 17, 1984; July 12, 1985; and October 1, 1986.

At the first two hearings the administrative law judge found Mario's injuries to be occupational but denied a disability retirement on the theory that Mario "could have" performed in a light-duty capacity at the time of his retirement.

The evidence at the first two trials clearly showed that Mario had not been released to light-duty by his treating doctor and, in fact, the treating doctor advised and recommended Mario's retirement.

Busalacchi's commanding officer testified to Mario's deteriorating medical condition and further stated that he advised Mario to retire as part of ongoing treatment.

SUPERIOR COURT TRIALS

Mario's denial of the industrial disability retirement was twice reviewed in the city's Superior Court.

On April 8, 1985 Judge Roy Wonder ordered the Retirement Board to set aside its adverse decision and to reconsider the case.

On August 20, 1986 Judge Lucy Kelly McCabe again ordered the Retirement Board to set aside its second adverse decision and to again reconsider the case. Judge McCabe specifically determined that Mario, at the time of his retirement, was not capable of performing either full or limited police officer duties.

THE VICTORY

On Wednesday, October 1, 1986 Mario's third Retirement Board hearing was held. This time the hearing officer was from the American Arbitration Association (the other two were conducted by California State Administrative Law Judges).

The third hearing officer found that Mario "suffered from a duodenal ulcer condition and a right arm disability both of which are work related and both of which in concert rendered him substantially unable to perform his usual duties of his position as a sergeant in the police department." This hearing officer's October 14, 1986 decision further stated: "It is therefore found that there was no light-duty available which applicant was capable of performing."

Mario's application for industrial disability retirement was granted effective January 21, 1984.

DESERVED RETIREMENT

Mario Busalacchi entered the police department on July 20, 1953 and was medically required to retire 30½ years later at age 55.

Mario obtained retirement justice after three years of struggle (his application was filed on November 3, 1983 and was finally granted on October 14, 1986) entailing three Retirement Board hearings and two Superior Court trials.

Mario lives in San Francisco and can be frequently seen driving his antique Volkswagen Bug. If you see Mario, urge him "best wishes" in his retirement.

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March 19, 1987

Board of Directors Meeting

Pledge of Allegiance.

Members present: Deignan, Maloney, Mattoch, McDonagh, Garcia, Santana, Ovanessian, Reilly, Suslow, Doherty, McAllister, Taylor, Johnson, Hawthorne, Chignell, Fagan, Rapagnani, Parenti, Barry. Voting no: Diegnan, McDonagh, Linehan. Voting to abstain: Cole, Chignell, Fagan, Cole, Rapagnani, Linehan, Parenti, Barry. Excused Flippin.

PRESIDENT'S REPORT

Barry introduced Supervisor Doris Ward who was unable to attend the Legislative Committee's interview of candidates for the 5th Congressional race. Supervisor Ward, after discussing her platform for the congressional race, recommends that the POA not endorse one supervisor over another for the 5th Congressional seat. Without objection of the full Board, President Barry moved that the issue of endorsement for the 5th Congressional seat be taken up by the Board.

After a lengthy discussion, a motion by Chignell, seconded by Maloney, for NO endorsement in the 5th congressional seat is passed. Voting yes for no endorsement:

Maloney, Mattoch, Garcia, Santana, Ovanessian, Reilly, Suslow, Doherty, McAlister, Taylor, Johnson, Hawthorne, Chignell, Fagan, Rapangani, Parenti, Barry. Voting no: Diegnan, McDonagh, Linehan. Voting to abstain: Cole, 17 yes, 3 no, 1 abstain.

TREASURER'S REPORT

Treasurer Linehan explains several accounts dealing with retainers for two law firms, employee I.R.A. accounts for office staff and expenses for Seal Beach. Motion by Parenti, seconded by Diegnan, to accept the Treasurer's report is approved by voice vote.

SECRETARY'S REPORT

Secretary Rapagnani's report appeared on Page 17 of the NOTEBOOK. Report is approved by voice voice after a motion is made by Santana and seconded by Hawthorne. Board of Director's meeting is recessed for General Membership meeting.

Reno Rapagnani
Secretary

March 19, 1987

General Membership Meeting

Pledge of Allegiance.

60 members present for a quorum of the General Membership meeting.

PRESIDENT'S REPORT

President Barry moves that, barring no objection, the Federal Litigation Committee report on the 0-0-100 9th Circuit decision to be discussed. This discussion centers on the POA's role in asking the 9th Circuit Court of Appeals

for clarification. After two hours of discussion, the General Membership meeting is recessed until Friday at 12 noon on March 20, 1987. Motion carries by voice vote.

Lacking a quorum, the Board of Directors meeting is adjourned.

Reno Rapagnani
Secretary

March 20, 1987

General Membership Meeting

President Barry introduces Chris Burdick who gives members a history of the 0-0-100 lawsuit. Mr. Burdick then discusses the four questions that he is framing to clarify the 9th Circuit decision. Questions were in the area of: 1) Are the 120 positions voided or voidable?; 2) Who are the victims of the Title 7 action and what are their damages?; 3) What is a selection device that the court talks about in

its holding? Will there be prospective relief?; 4) Can the city revalidate the examination process?

After several hours of discussion, the General Membership meeting has adjourned by voice vote.

Reno Rapagnani
Secretary

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A Tribute to Paul Chignell

Far too often our P.O.A. representative don't receive the credit and thanks they deserve, whether verbal or written say in the case of Paul these are my thoughts and opinions.

He has advised, counseled, spoken for and represented so many members before Commissions and Department Officials, in such an outstanding, tactful manner that has to be recognized.

Paul, in addition to other P.O.A. activities, is highly active in the Grievance procedure, and successful to a great extent in a Personnel procedure that involves so many areas of our enforcement duties, and Department "dictum."

So, here's to you, Paul, for generosity and concern toward your co-workers of all ranks and for stellar, caring performances in your en-

forcement and supervisory duties!

Jim McDonald

Thanks

March 2, 1987

Mr. Bob Barry
Police Officers Association
510 - 7th Street
San Francisco, CA 94107

Dear Brother Barry:

I want to take this opportunity to thank you and your members for endorsing my re-election to the San Francisco Retirement Board and to give you a brief synopsis of what is transpiring at this time.

There was an overwhelming victory on my behalf by the voters. The Registrar of Voters indicated I received

54% of the votes cast. I feel this is a vote of confidence in my representation of you and your members and I will be working in the next five years to maintain your confidence.

During the year 1986 the rate of return on the investments made by the Employees Retirement Board of your funds was 14.73%. These assets of the Fund increased from 2.7 billion dollars to 2.8 billion dollars. I will continue to work on your behalf to make sure a continuing increase is gained on our investments so when you retire, the most important years of your life, you will have the type of retirement benefits you deserve.

A resolution was passed in 1984 by the voters of San Francisco for the Employees Retirement System to divest its involvement in South Africa. In April 1985 we had approximately 400 million dollars in South African commodities, stocks, bonds, etc. In 1985 the Retirement Board proceeded to carry out the will of the people and by the end of 1986 we were informed by the Chief Executive Officer that our investments in South Africa have been decreased to 53 million dollars and we hope to be South Africa free by the end of April 1987.

If you ever need information about or from the Retirement Board or want me to speak before your Executive Board or membership please feel free to give me a call.

Again, thank you for supporting my re-election for the next five years to the San Francisco Employees Retirement Board.

Fraternally yours,
Samuel W. Walker
President

Thanks

Bob Barry
President, SF Police Officers' Association
510 - 7th Street
San Francisco, CA 94103
April 7, 1987

Dear Bob:

Thank you and the membership for the beautiful plant I received while in the hospital last month. My leg is healing nicely and I am back to work.

Your thoughtfulness was very much appreciated.

Yours truly,
Jeff Brosch
Homicide

Thanks

Dear friends:

Thank you for the beautiful basket of flowers, my husband was so proud of Cable and working with such wonderful people.

Thanks
Mrs. Terrence Smyth
& Family

Educating Children

March 17, 1987

Dear Bob:

I am happy to report that through your efforts in the last fundraiser, enough money was raised that we are now debt-free. Thank you and the Police Officers Association very much for your help. We can now move forward and look toward the future to the next campaign. In that election, we will win and our children will finally receive the quality education they most desperately need.

Again thank you, and please stay in touch.

Sincerely
Leland Y. Yee, Ph.D.
Psychologist

Thanks

Dear Bob:

On behalf of the children and our community we thank you for your contribution. Due to the donation we were able to buy our children toys that were otherwise not



possible. Once again thank you for your continuing support now and in the near future.

Sincerely,

Roger Hernandez
P.V.C.C. Center
Director

Thanks

Mr. Bob Barry
President
Police Officers Association
510 7th Street
San Francisco, Ca. 94103
April 2, 1987

Dear Bob,

Thank you from all of us at the AIDS Emergency Fund to all the members of your board and association for your generous contribution to, "In Memory of Friends" at the Palace of Fine Arts Theatre on Thursday, April 9th at 8:00 pm.

Your support of our community has been an on going and greatly appreciated example of the spirit of your organization.

Please join us for dinner before the show (6:00 pm) at

Endorsements Help

March 25, 1987

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

Dear Bob:

As many of you know by now, Local 790's candidate for the Health Service Board, Claire Zvanski, was easily elected to the Board. I want to thank you for your organization's endorsements and assure you that all of us have elected someone who will be responsive to City employees.

Please feel free to call on Claire (work phone: 239-3670) to appear before your union. Thanks again for your help.

Fraternally,
Paul Varacalli
Executive Director
United Public Employees Local 790

Sutter's Mill, 77 Beale Street, between Pine and Bush Streets.

Highest Regards,
Don Johnson

Public Relations for
"In Memory of Friends"

Thanks

March 25, 1987

Bob Barry President
San Francisco Police Officers Association
510 - 7th Street
San Francisco, CA 94103

Dear Bob:

I wish to thank you and Ron Parenti for your hospitality during our visit this past fall. The delay in expressing our appreciation may be attributed to a hectic schedule. We'd like also to thank Sgt. Pete Maloney (Southern Station) for providing transportation back to our hotel.

In the near future we will be sending a survey which will outline our needs for the 1987 negotiations with the City of Seattle. The Seattle Police Officers Guild represents over one thousand sworn police officers and sergeants and relies strongly on our comparable cities on the West Coast. We hope you will, as you have in the past, give this survey your prompt attention.

We are forwarding our present contract and attached current salary information for your file. If you have any questions of us, please do not hesitate to call.

Thanks again for your hospitality and we look forward to hearing from you in the near future.

Sincerely,

John P. Sullivan,
President
Seattle Police Guild

Thanks

March 2, 1987

Robert Barry
President
San Francisco Police Officers Assn.
510 7th Street
San Francisco, CA 94122

Dear Bob:

The Mazzucco family would like to thank all the members of the Police Officers Association for their support and caring, not only at this time of great sadness for us, but also for all the support given Tom at the time of his hearing. The P.O.A. truly is a brotherhood, and Tom always loved the fellowship.

We would also like to thank all the officers who took the time to visit him in the hospital and who gave us much help and support.

Sincerely,

The Thomas Mazzucco Family

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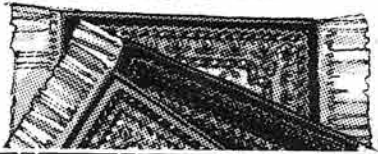
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March 16, 1987

Bob Barry, President,
San Francisco Police Officers' Association
510 Seventh Street
San Francisco, CA. 94103

Re: Weekly Report No. 6 — Q-50/Q-35 and Q-80
Examinations.

Dear Bob:

Enclosed is a copy of a letter sent on this date to Professor Trives regarding the SFPOA's request that an "All Parties" meeting be conducted at the earliest possible date for a discussion of the examination program. The issues set forth in the enclosed letter were discussed by the Association's federal litigation committee on Friday, February 27, 1987.

Also enclosed with this letter are copies of the latest memoranda from the Consent Decree Division. As you can note from the March 4, 1987 memo, the procedures set forth in the January 14, 1987 memo appear to be proceeding as planned, although on a somewhat delayed basis as initially contemplated and discussed at the Auditor/Monitor meetings. The next event appears to be scheduled for the period March 19 through March 25, 1987, the administration of the questionnaire to 60 sergeants and 60 assistant inspectors/inspectors, which will be statistically analyzed subsequent to those dates. There is no time frame set forth for that analysis, but it is clear that no examination will be announced or scheduled near April 1, 1987, the date discussed in December 1986 and January 1987.

Step 6 on the January 14, 1987 memo contemplates the administration of a second questionnaire to 60 sergeants and 60 inspectors for the collection of data to link the KASO's with specific task "clusters." The results of the second questionnaire will be reviewed by the consultants who will then meet to discuss development and execution of an examination plan, including examination format, weighting, hurdles, and cut-off scores.

The development of this examination does appear to be proceeding at a snail's pace. We will of course have an opportunity to express our concerns at the contemplated "All Parties" meeting, scheduled for March 25, 1987.

Also enclosed with this letter is a copy of the minutes of the February 23, 1987 meeting at which the Q-80 promotional examination was discussed at length by all counsel to the Consent Decree. Mr. Wong and Ms. Hurley attended this meeting. We would suggest that the members of the Federal Litigation Committee be sent copies of especially this document for their review and comment.

Finally, we would respectfully suggest that you consider the convening of a Federal Litigation Committee meeting sometime prior to the March 25, 1987 Auditor/Monitor meeting for the purpose of reviewing a proposed agenda and the Association's interests in the issues therein.

If you have any further questions about any of the above, please do not hesitate to call at any time.

Sincerely,
CARROLL, BURDICK & McDONOUGH
David P. Clisham

To: ALL COUNSEL TO
THE CONSENT DECREE

From: RAY WONG, COORDINATOR
CONSENT DECREE DIVISION

Date: WEDNESDAY, MARCH 4, 1987

Subj: Q-50/Q-35 JOB ANALYSIS UPDATE #2

On February 18, 1987 Personnel Decisions, Inc. sent completed A-50/Q-35 job analysis data corresponding to step 4 of the job analysis procedure described in my memorandum of January 14, 1987, to Drs. Goldstein and Zedeck for their review and comment.

On February 25, 1987, Dr. Zedeck communicated to PDI that the job analysis data were sufficient to allow the job analysis to proceed to step 5. PDI is currently developing the questionnaire necessary to execute step 5 of the job analysis and anticipates that a draft copy of the questionnaire will be available for review by Drs. Goldstein and Zedeck by March 10, 1987.

If the experts approve the questionnaire content and format, we anticipate it will be administered to approximately 120 incumbents in the A-50 and Q-35/0380 ranks within the period of March 19 through March 25, 1987. The raw data collected through this questionnaire will be subject to statistical analysis by computer. The information derived from this analysis will be provided to the experts for their review and comment before proceeding to step 6 of the job analysis procedure.

From: RAY WONG, COORDINATOR
CONSENT DECREE DIVISION
Date: WEDNESDAY, JANUARY 14, 1987

Subj: SUMMARY OF PENDING Q-50 SERGEANT AND
Q-35 ASSISTANT INSPECTOR JOB ANALYSIS
ACTIVITIES

Drs. Irwin Goldstein, Sheldon Zedeck, and Harry Brull met for six hours on Monday, January 12, 1987 to outline the pro-

cedures they believe are necessary to ensure a sufficient job analysis for developing content valid Q-50, Sergeant and Q-35, Assistant Inspector selection procedures. The three experts agreed upon the following general course of action.

1. The list of 146 job task statements developed to date in the course of previous job analysis activities appear to be adequate. This list will be re-examined by Harry Brull and Personnel Decisions, Inc. (PDI). They will edit or refine any task statement that may require it.

2. PDI staff, in conjunction with the Consent Decree Division Examination Unit staff and SFPD subject matter experts, will organize the 146 tasks into approximately 12-15 cluster areas (group of related tasks). Supporting data will be independently analyzed and recorded for review by Drs. Goldstein and Zedeck.

3. PDI will draft a job analysis questionnaire which will be used to survey SFPD subject matter experts. Drs. Goldstein and Zedeck will review this survey device and suggest modifications, if any are necessary.

4. PDI will convene 6 small groups of subject matter experts, two groups of incumbents from each classification and one group comprised of supervisors of each position for each classification, for the purpose of identifying the relevant knowledge, abilities, skills, and other characteristics (KASOs) that are necessary for the successful performance of Sergeant and Assistant Inspector duties. Each group meeting will require approximately one half day. Approximately 40 to 75 KASOs are expected to be identified at this stage of the job analysis. Drs. Goldstein and Zedeck will review the results of this stage and make any recommendations they may have to Harry Brull.

5. PDI will administer a job analysis questionnaire to two groups of no less than 60 SFPD subject matter experts each, one group representative of Assistant Inspector expertise. This questionnaire will solicit information related to job tasks and KASOs. The resultant data will be sent to Drs. Goldstein and Zedeck for review.

6. PDI will develop and administer a second questionnaire to two separate groups of no less than 60 SFPD subject matter experts, one group representative of Sergeant expertise and the other Assistant Inspector expertise. This procedure will allow for collection of data which links the KASOs with specific task clusters. Drs. Goldstein and Zedeck will review the resultant data and, if necessary, suggest additional action(s).

7. Once all of the above steps have been completed, the three experts will distill the results and have another collective face-to-face meeting to discuss development and execution of an examination plan. This discussion will include such topics as examination format, weighting, hurdles, and cutting scores.

In addition to outlining the major job analysis steps indicated above, the experts have also identified the specific procedures (instructions to job analysis participants, rating scale, etc) within each step that are necessary to complete the job analysis using a content validity approach. The experts have also agreed upon the necessity of ongoing review and concurrence at each step on the process before continuing to subsequent stage. Because the overall procedure for data collection is a sequential one, each stage built upon successful completion of a prior stage, no absolute timetable can be offered.

The experts understand the necessity to administer the examination as soon as practicable and have made a commitment to an expeditious exchange of information which will include phone responses whenever possible. The experts indicated, as articulated at the January 12, 1987 meeting of counsel for the parties, that April may be the logical month to anticipate completion of the examination design.

Mr. Bob Barry
President
San Francisco Police Officers' Association
510 Seventh St.
San Francisco, CA 94103

Re: *Torres, et al. v. CCSF (Decision of the Ninth Circuit Court of appeals)*

Dear Bob:

I have now had an opportunity to review and analyze the decision of the Ninth Circuit Court of Appeals in this case which was filed on March 12, 1987. A 2-1 decision (with Judge Merrill dissenting), the Ninth circuit holds that the City's action "reweighting" the examination components to 0-0-100 percent was a violation of Title VII, and the court reverses Judge Peckham's contrary decision and remands the case back to Judge Peckham with specific directions (and these are the only specific directions to Judge Peckham) that he "...supervise the development of a proper selection device for promotion." The opinion raises as many questions as it answers is confusing in part, misstates the assertions of the parties in several regards, and, I'm sure, it has been extremely disquieting to a number of your members, particularly those who were promoted to Sergeant and Assistant Inspector of the reweighted examination lists.

To refresh your memory, POA commenced this proceeding by filing a simple Complaint for Injunctive Relief in the San Francisco Superior Court asking that that Court enjoin the Civil Service Commission from reweighting the examination components because the Civil Service Commission had not acted within 30 days of its original action, thereby violating Civil Service Rule 5.07. The City removed the case to the Federal Court, and it was assigned to Judge Peckham under the "related case doctrine" and under the Consent Decree. Judge Peckham originally granted a Preliminary Injunction prohibiting the City from any promotions until the Judge had disposed of the issues. Peckham thereafter granted the motion of the City and the United States for Summary Judgement on the Civil Service 5.07 issue, finding that to its obligations under the Consent Decree the rule was superceded by the "Supremacy Clause" of the United States Constitution. However, Peckham continued the Preliminary Injunction and ordered the holding of "fairness hearings" under *Bushy v. Civil Service Commission*, to determine whether the reweighting action of the Civil Service Commission had "unnecessarily tram-

melled" the interests of non-minority employees. After three days of hearings, the Judge upheld the reweighting, found that the interests of non-minority employees had not been permanently and irrevocably harmed, and allowed the City to promote 75 Sergeants and 45 Assistant Inspectors off the revised and reweighted lists. The lists became "one-day lists", good only for the 75 and 45 promotions.

The POA appealed, and pending appeal, requested a stay from both the Ninth Circuit and the Supreme Court. Both Courts refused to issue a stay, and ultimately the promotions in question were made. We filed opening and closing briefs before the Ninth Circuit, the United States, the City, and Officers for Justice filed opposing briefs, and oral argument was had on September 22, 1986. This decision was rendered on March 12, 1987.

The Court of Appeals agrees with Judge Peckham that Civil Service Rule 5.07 had been superceded by the Supremacy Clause; rejects the City's contention that the action had become "moot", because the lists in question had expired; and agrees with us that when the City "reweighted" the examinations components (i.e., the multiple choice, the written, and the structured oral interview), it did so for reasons predicated upon race and sex-conscious criteria, for the purpose of advancing certain applicants because of their race and their sex, to the detriment of non-minority men. Having found that the City's motive and intent was based upon race and sex, the Court holds that the reweighted eligibility list was therefore violative of Title VII and "invalid". It then goes on to hold, however, that since the original weights clearly had an adverse impact on women and minorities, those weights were violative of Title VII and invalid unless the City could validate the examination in conformity with the Uniform Guidelines. The Court finds that the City made no effort to validate the examination and, in addition, had available to it less obtrusive, alternative means of selecting applicants which would have had a lesser (or no) adverse impact on women and minorities, and therefore finds that the original weights were invalid. The original cut-off score on the unweighted multiple choice (which screened out 25 applicants) did not offend the court, and was apparently appropriate, as it resulted in no adverse impact on minorities and was set at the level of minimum competence. There are a number of nice, juicy quotes in the Decision, such as the statement at page 19 that the Consent Decree prohibits all racial and sexual discrimination, including discrimination against white males, and that the POA has the right to assert the right of such persons to be free from such discrimination under the Consent Decree. The court also holds that if the City wishes to alleviate adverse impact, it must do so before an examination is given, and may not "tinker" with the scores afterwards, since to do so violates the reasonable expectations of non-minorities.

What is discouraging about the decision is what it deals with obliquely, or not at all. At several places in the decision, the court concretely states that both the original and reweighted components are invalid. Thus, at page 5, the Court holds that "...the examinations as initially weighted were invalid because they had an adverse impact on minorities and women." And at page 19 the Court holds that "...the eligibility lists from which the City made the new appointments for Sergeant and Assistant Inspector are invalid (and) because the City was unable to validate its initial weighing system, those results must also be discarded." Although the court does not specifically order the City to demote, or invalidate promotions, of the 125-or-so persons who were ultimately promoted, there is language at page 10 which indicates that doing so would not be inappropriate. ("If reweighting were unlawful, the court could order that a new test be devised, which may result in different candidates being promoted that those currently holding the positions.")

Under Title VII law, the courts almost uniformly "make whole" persons who can establish that they were "actual victims" of unlawful employment discrimination. The Court clearly holds that those who were "displaced" because of the "reweighting" were the victims of discrimination under Title VII. Nevertheless, the Court does not order Judge Peckham to make those persons whole. The possible "victims" in this case fall into two groups: (1) those persons who were "displaced" by the ultimate reweighting; and (2) those persons who failed to achieve 60 percent on the written component, a cut-off score which was added by the Civil Service Commission at the same time it was reweighted. However, only those persons who were either displaced or cut off and who would have ended up in the top 75 on the Sergeant's list and top 45 on the Assistant Inspector's list are truly "victims": anyone who fell below that had no reasonable likelihood of being promoted and, their displacement notwithstanding, were not truly injured. Similarly, the 25 persons who did not meet the original cut off on the multiple choice appear not to be victims at all. Similarly, those persons whose relative score did not change because of any of the city's actions and who simply did poorly on the examination components and placed well down on the eligibility list are not victims, even though they participated in an examination process which has ultimately held to be invalid. Not every examination which is invalid (i.e., fails to comply with the Uniform Guidelines of Employee Selection) is violative of Title VII — only those examinations which have an adverse impact violate Title VII, provided the employer cannot validate them, and only those persons who are the "victims" of that unlawful employment practice (i.e., those who were denied promotional opportunity because of their race or sex) are entitled to be "made whole". Those persons who did so poorly on the examination that they would not have received an appointment without reference to their race or sex are not "victims".

What do we go from here? The City Attorney's office and Public Advocates advise that they will be filing a Joint Motion for Rehearing. A Motion for Rehearing must be filed no later than March 26. I believe that we, too, should file such a Petition. First, there is the implication in the decision (contrary to well-established Title VII precedent) that the District Court (or the City, in its election) may elect to demote those persons who have been promoted and fill those newly created vacancies from the new examination. However, in *Firefighters v. Stotts*, 467 U.S. 561, 81 Lawyers Edition 2d 483 (1984), the United States Supreme Court made it clear that "victims" of Title VII discrimination do not have the right to bump or displace employees who made have been the beneficiaries of the same act of employment discrimination.

"If individual members of a plaintiff class demonstrate that they have been actual victims of the discriminatory practice, they may be awarded competitive seniority and given their rightful place on the seniority roster...mere membership in the disadvantaged

continued on next page

Correspondence...

class is insufficient to warrant a seniority award; each individual must prove that the discriminatory practice had an impact on him...even when an individual shows that the discriminatory practices had an impact on him, he is not automatically entitled to have a non-minority employee laid off to make room for him. He may have to wait until a vacancy occurs, and if there are non-minority employees on lay off, the court must balance the equities in determining who is entitled to the job. (Footnote 11.) Lower courts have uniformly held that relief for actual victims does not extend to bumping employees previously occupying jobs. (Numerous citations)." (81 Lawyers Edition, 2d 483, 499).

There are also several minor misstatements of the POA's position before the District Court and the Court of Appeals which should be pointed out to the Court: however, the primary thrust should be to clarify the status of those who were promoted and the rights of those who were "actual victims" of the City's actions, both of which the court has left undefined.

On a brighter note, it is clear that the POA was the "prevailing party" on this appeal. The primary thrust of our appeal was that the City violated Title VII when it reweighted, and the Court of Appeals completely and unequivocally agrees. Thus, to the extent that Judge Peckham awarded Public Advocates approximately \$55,000 in attorney's fees, assuming this decision holds up, your Treasurer is going to be greatly relieved in that regard. We will get our money back. And additionally, since we were the "prevailing party" on appeal, I will be filing a request for attorney's fees on appeal with the Court of appeals, and if we continue to prevail on appeal, will request that that Court direct Judge Peckham to award us our attorney's fees for proceedings before Judge Peckham.

Procedurally, the three-judge panel can grant or deny the Petition for Rehearing, and can send the case for further oral argument if it grants it, or simply modify its decision without any further oral argument if it sees fit. A request ("suggestion", as the term is used in the Federal Rules of Appellate Procedure) for a hearing by the entire panel of the Ninth Circuit Court of Appeals (generally referred to as a "hearing en banc") must be incorporated with, and become a part of, Petition for Rehearing. It must be filed, obviously, at the same time (i.e., before March 26).

If no rehearing is granted and/or the entire Ninth Circuit declines to hear the case, then any of the parties, with the exception of us, since we're not the loser) can petition the United States Supreme court to hear the case, by means of a writ of certiorari. While such petitions are rarely granted, in this case there is a substantial chance the Supreme Court would grant a hearing, because of Footnote 9 appearing at page 19 of the Decision. There is a factually similar case in the Second Circuit, *Kirkland v. New York Department of Corrections*, in which the facts were substantially the same and a contrary result was reached. The New York State Department of Corrections "tinkered" with the examination results after they were in to "ameliorate or alleviate adverse impact", and the Second Circuit Court of Appeals said that that was appropriate, given the "underutilization" of minorities in the higher ranks of the New York State Department of Corrections. Our Court declined to follow that line of reasoning. Thus we have a "circuit split" between two different Circuit Courts of Appeals, and the prime reason the United States Supreme Court granting Petitions for Certiorari is to resolve such circuit splits.

At your direction, I will attend your Federal Litigation Committee meeting on Wednesday, March 18, and your General Membership meeting on Friday, March 20, to discuss these issues. Please keep in mind the March 26 filing deadline for filing our Petition for Rehearing.

Very truly yours,
CARROLL, BURDICK & McDONOUGH
Christopher D. Burdick

To: Board of Directors and Federal Litigation Committee

Attached is Carroll, Burdick & McDonough's Weekly Federal Litigation Report No. 7 as well as the "job analysis" for the upcoming Q-80 Captains' examination.

Please review this job analysis as I will schedule a Federal Litigation Committee meeting next week to discuss this examination as well as the parties "counsel only" meeting which was held on Tuesday, March 31.

Bob Barry
President

Bob Barry, President
San Francisco Police Officers' Association
510 Seventh Street
San Francisco, CA 94103

Re: Weekly Report No. 7 -
Q-50/Q-35 and Q-80 Examinations

Dear Bob:
Q-50/Q-35 Examination

The events of the last two weeks regarding these two positions in the SFPD need not be articulated here except to note that there has been an extensive amount of time devoted to the March 12, 1987 decision in the Ninth Circuit Court of Appeals determining that the reweighting of the three parts of the last Q-50/Q-35 examinations were invalid. This office has sent out a lengthy opinion letter to the POA and both Chris Burdick and myself have participated in both a Board of Directors and general membership meeting on the subject. In addition, the Ninth Circuit decision was a key topic of discussion at the March 23, 1987 Auditor/Monitor meeting. A subsequent meeting to discuss the possibility of settling the litigation has been scheduled for Tuesday, March 31, 1987 at this office.

As you will recall from "Weekly Report No. 6", this office sent a letter to the Auditor/Monitor on March 13, 1987, at the direction of the Federal Litigation Committee seeking answers to a number of questions regarding the administration of the Q-50/Q-35 examinations. The key theme of the questions was to determine when an examination will be scheduled. Mr. Wong did verbally discuss some of the questions at the March 23, 1987 meeting. More importantly, however, Mr. Wong announced at

the beginning of the A/M meeting that the Q-50/Q35 examination activities were being put "on hold" indefinitely because of the decision of the Ninth Circuit regarding the O-O-100 reweighting of the previous Q-50/Q-35 examinations. Mr. Wong explained that the subject matter experts being used for the new examination may indeed be forced to take the next examination because of the fact that the status of these 1986 appointees was not in doubt. He stated that the decision to delay the activities was one recommended by the examination experts hired by the City Attorney's office and the federal government. We therefore asked for a written explanation from the contractor as to the reasons for the delay in the development of the examinations.

Because of the "on hold" status of Q-50/Q-35 examinations, Mr. Wong did not verbally respond to the first four questions in our March 13, 1987 letter (job analysis completion, timetable, one or two tests, time frame between announcement and exam) except to refer us to his (Wong's) January 14, 1987 memo which outlines the sequential steps being utilized to develop an examination.

In regard to question number 5, Mr. Wong stated that there would be five sergeant vacancies and 73 assistant inspector vacancies by the end of this month. In regard to question 6, the department is making no plans to make temporary appointments for Q-50 and Q-35, but extensive discussion was had at the A/M meeting regarding temporary appointments for Q-60, a question which at this point is unresolved. The department has already made temporary appointments to the position of Q-80. Finally there was no discussion of the sequence of the examinations although as you can see below, the Consent Decree Division, together with the contractor, is plowing ahead with plans for the Q-80 examination.

We did question the authenticity of the "delay" in the development of the Q-50/Q-35 examination. As stated above, we expect to get some follow up correspondence from the contractor regarding the precise reasons for this delay, although it is understandable that the Ninth Circuit decision at this point has served to create a great deal of confusion among all the parties and certainly the membership regarding whether or not the current incumbents appointed in 1986 will be participating in the next examination.

Q-80 Examination

Enclosed with this letter is a copy of the "job analysis plan" for the Q-80 examination. I would suggest that the Federal Litigation Committee be asked to review these plans so that we can make appropriate comments to the Consent Decree Division and the Auditor/Monitor without undue delay.

If you have any questions about any of the above, please do not hesitate to call me at any time.

Sincerely,
CARROLL, BURDICK & McDONOUGH
David P. Clisham

To: Nathaniel Trives, Auditor/Monitor.

From: Ray Wong, Coordinator, Consent Decree Division.

Date: Monday, March 23, 1987.

Subj: Q-80 Captain - Job Analysis Plan

Attached is Personnel Decision, Inc.'s proposed plan of action for conducting the job analysis of the Q-80 Captain rank. Please note that the first job analysis activities are scheduled to commence beginning April 2, 1987. Therefore, if you have any comments or concerns we would appreciate receiving them in writing at the earliest possible date so that any adjustments that may be necessary can be accommodated.

Mr. Ray Wong
Coordinator, Consent
Decree Division
San Francisco Police Department
850 Bryant Street
San Francisco, 95103

Dear Ray:

Enclosed is the job analysis plan for the Q-80 position. It contains a mix of group sessions, individual interviews, and independent ratings to make sure we gather all the information required.

I made no mention of time frames because of the outside review steps that may enter in. Katherine Holt from our staff will be handling this portion of the project so there will be no conflict with progress on the Q-50/Q-35. She can fly out to do step one April 2 and 3; stay over the weekend to organize the information generated; and conduct step 2 the following Monday, April 6 (and possibly Tuesday, April 7).

We seem to have most of the preliminary information that we need to get started, but will have to work out with Kathleen in specific detail which people can serve as SMEs to cover the positions currently filled and/or supervised by persons with temporary status.

Kathleen and I discussed last week the possibility of gathering updated job descriptions. After looking over the 1980 job descriptions that she sent, I think we have the data we need at this point, and that gathering updated job descriptions would not prove highly productive.

Let me know if you have any questions or concerns about the proposed plan.

Sincerely,
Elizabeth Mackall
Assistant Director,
Public Sector Services

JOB ANALYSIS PLAN FOR THE Q-80 CAPTAIN'S POSITION

This job analysis plan is divided into four major work stages. Each stage will require the participation of departmental subject matter experts designated by the Consent Decree Division. Where a position is filled by a person holding permanent Q-80 status, that person will serve as the subject matter expert for the position. Where a position is filled by a person holding temporary status, another person familiar with the position, (either a former incumbent or an immediate supervisor) will serve as the subject matter expert. At no time will any person who is eligible to complete in the selection process for the Q-80 rank, participate in the job analysis or in test development.

The four major work stages for the job analysis process are as follows:

1. Group meeting with district station commanders to identify tasks and KSAOs.

We will begin the job analysis process by holding a two-day meeting with 5-7 permanent incumbents representing the district station commander assignment. Several days prior to the meeting we will send the participants existing task and activity data reassembled from the 1980 job analysis process. In this mailing we will also enclose a cover letter a) explaining the purpose and scope of the group meeting and, b) instructing the participants to carefully review the 1980 data and identify any missing tasks, or tasks in need of revision.

The initial step in the group meeting will be to identify the major activity or duty areas within the district commander job. The second step will be to identify the specific tasks that are performed within each duty area. It is likely that tasks identified will correspond quite closely to those identified in 1980, but will be stated in standard format (What?, To Whom or to what?, Why?, How?) and in greater specificity. The third step will be to identify the KSAOs required to satisfactorily perform the tasks in each duty area. The procedure used for generating the KSAOs will be similar to that used for the Q-50/Q-35 position. The task and KSAO statements identified from the group meeting will be organized and reviewed with the FOB Deputy Chief for completeness and accuracy. This review could be conducted in conjunction with stage two below.

2. Individual interviews with subject matter experts for all other Q-80 positions.

Because the remaining Q-80 positions are widely spread over several divisions, with only the Special Operations Division having more than one Captain assigned, individual interviews will be held with subject matter experts representing these positions. Each interview is likely to require approximately three hours. The objective of each interview will be to review and discuss the task and KSAO information generated in the group meeting with the District Commanders in order to identify a) tasks and KSAOs, shared in common with the district commander position and b) those that need to be added in order to fully describe the new (non-district commander) position.

3. Job Analysis Questionnaire

We will develop and administer a Job Analysis Questionnaire similar in format to that developed for the Q-50/Q-35 ranks. The questionnaire will contain all tasks and KSAOs identified during states 1 and 2. The purpose of the questionnaire will be to gather scale data via independent ratings regarding the frequency, importance, etc. of the tasks and KSAOs, and to assign points to the duty areas according to their relative importance to the job as a whole. At this point in time we anticipate that the questionnaire will need to be administered in a group session, and that a sample size of 100% will be required (one subject matter expert for each Captain's position). Following the administration of the questionnaire we will keypunch and analyze the responses, and identify, through applying a series of decision rules, the prerequisite, important, tasks and KSAOs that are common across the Q-80 rank.

4. Task to KSAO Linkage, and KSAO Weighting Session

As the final step in the job analysis we will construct a linkage rating form for linking the surviving (important and prerequisite) KSAOs to their associated duty areas. Each linkage will be in the form of a scaled rating in terms of the importance of the KSAO to successful performance of the duty area. We will also construct a KSAO weighting form for allocating points to the KSAOs according to their relative importance to overall job performance. Again, we anticipate at this point that a group session will be necessary for administering the linkage and weighting questionnaires, and that a sample size of 100% will be required. Following the administration of the linkage and weighting forms we will keypunch and analyze the responses to provide the information required for test planning and development.

MEETING SUMMARY ALL PARTIES TO THE CONSENT DECREE MONDAY, MARCH 23, 1987 - 2:00 PM

ATTENDANCE

AUDITOR/MONITOR'S OFFICE - NATHANIEL TRIVES, KATHLEEN SMITH.

CHINESE FOR AFFIRMATIVE ACTION - (not in attendance)

CONSENT DECREE DIVISION - RAYMOND WONG, KATHLEEN HURLEY.

CITY ATTORNEY - DAN MAGUIRE, DAN SIEGEL
NATIONAL ORGANIZATION FOR WOMEN - PAULA LICHTENBERG.

OFFICERS FOR JUSTICE - WILBERT K. BATTLE, SAMUEL CRAIG, JOE WILLIAMS, LUANA WILLIAMS.

POLICE DEPARTMENT - WILLIS CASEY, RACHAEL KARP.

POLICE OFFICERS' ASSOCIATION - BOB BARRY, RICK BRUCE, CHRISTOPHER BURDICK, DAVID CLISHAM.

PUBLIC ADVOCATES - JAMES WHEATON, ALISON HARDY.

U.S. DEPARTMENT OF JUSTICE - GERALD GEORGE.

1. CALL TO ORDER - The Auditor/Monitor called the meeting to order at 2:10 P.M.

2. ROLL CALL - Attendance sheet was circulated.

3. APPROVAL OF THE MEETING SUMMARY FOR FEBRUARY 9, 1987. Ray Wong made a motion to accept the meeting summary for February 9, 1987; seconded by Kathleen Hurley and passed unanimously.

4. REPORTS AND/OR DISCUSSION - Prior to addressing the agenda, the Auditor/Monitor asked Mr. Dan Maguire to introduce the new member of the City Attorney's staff. Mr. Maguire introduced Mr. Dan Siegel noting that Mr. Siegel joined the City Attorney's Office last week after 13 years in private practice and saying Mr. Siegel will be working with the City Attorney's Office on this case.

The Auditor/Monitor welcomed Mr. Siegel and introduced all those in attendance to him. Professor Trives inquired if Mr. Siegel would be the one in the City Attorney's Office primarily responsible for Police and Fire Department litigation. Mr. Siegel said he would certainly be involved.

A. AUDITOR/MONITOR

1. Overview of goals and objectives of today's meeting.

continued on next page

Correspondence . . .

2. United States Court of Appeals, Ninth Circuit, No. 85-2180, RE: 1983 Q/35-Q/50 (Assistant Inspector-Sergeant) Promotional Examination(s).

The Auditor/Monitor noted some important news and information concerning a decision by the test experts to halt work on the preparation of the next Q/35-Q/50 promotional examination, specifically the Job Analysis; the Auditor/Monitor received word of this development today from both the City Attorney and the Department of Justice.

The Auditor/Monitor requested that the Consent Decree Division Coordinator explain why the test development process has been stopped.

Mr. Wong responded that SME's (Subject Matter Experts) within the Department, i.e., incumbents in the Q/35-Q/50 ranks, have been used thus far in conducting the Job Analysis (NOTE: ultimately this would involve approximately 90% of all incumbents) and a significant number of those individuals were promoted as a result of the eligibility list resulting from the last Q/35-Q/50 examination. Mr. Wong continued by stating that on Thursday, March 12, 1987 the United States Court of Appeals for the Ninth Circuit issued an opinion concerning that examination. In the opinion of the test experts, to continue the Job Analysis in view of the Ninth Circuit's recent opinion may put the City at risk since incumbents promoted as a result of the last examination(s) (Q/35-Q/50) are unsure as to their future status; this ambiguity therefore has the potential to contaminate and bias the pool of SME's — in other words, data gathered from this pool might not be reliable. Additionally, if in fact incumbents are removed from their current ranks as a result of the Ninth Circuit ruling and any subsequent appeals and/or court action, those individuals would then no longer be Q/35-Q/50 incumbents but rather candidates for the next Q/35-Q/50 promotional examination. Based on these facts, the technical experts advised the City to put a temporary stop on examination development until such time as "this situation clears up." The test experts at this point do not believe there will be a need to begin the test development anew; data gathered to date was provided by the incumbents operating under the belief that they in fact held the rank which was being assessed; therefore, the data should be reliable.

The Auditor/Monitor said serious consideration as to options is necessary. Professor Trives said it was his understanding that the City Attorney would be filing a Petition for Rehearing En Banc and asked if that the City had filed as yet. Mr. Siegel responded that the City has not filed as yet and will do so pretty close to the deadline which is Thursday, March 24, 1987. The Auditor/Monitor asked if any other party group would be joining in the filing. It was understood that Mr. Wheaton, Public Advocates, anticipated filing jointly with the City at this point. Mr. Burdick stated the POA will be filing a petition for rehearing requesting clarification of the March 12, 1987 Ninth Circuit ruling, i.e., the POA will be asking the Court to be more explicit and specific as to its intention. The POA will not be requesting a review by the full court.

Mr. Wheaton asked if he understands correctly — continuing work on the next Q/35-Q/50 promotional examination will depend on the Petition for Rehearing. Mr. Siegel said it all depends on getting some clarification as to the status of those promoted to the ranks of Q/35-Q/50 as a result of the last examination. Once their status is clarified, the survey should be able to go forward.

The Auditor/Monitor suggested it would be possible to clarify the status of the incumbents in question prior to going before the Ninth Circuit for Rehearing, or before the U.S. Northern District Court for that matter. If the POA, which originated the action in the Ninth Circuit, and the City could reach an agreement on the status of the incumbents, it would be most helpful to the technical experts. Professor Trives noted that if the City Attorney could issue an opinion indicating that based on the law as it stands today, incumbents' status will be unchanged, subject to any change in law and if the POA would agree that it would not ask to have any incumbents removed from the ranks Q/35-Q/50 or challenge any individual's ranks, a firm base of operation could be established. Mr. Siegel felt the Auditor/Monitor "hit the nail on the head."

Mr. Clisham and Mr. Wong further discussed the technical implications of continuing the Job Analysis using current incumbents. There are currently 214 budgeted Q/50 positions and approximately 250 Q/35's and, as noted earlier, 90% of those individuals are needed for the Job Analysis.

Mr. Wheaton said he understood that once a Petition for Rehearing is filed in the Ninth Circuit, the case continues to be no longer final; in other words, right now it is not final. Unless a Petition for Rehearing is filed, the case goes into limbo and parties would only find out if such a petition is denied fairly quickly. If the Ninth Circuit should grant the Petition for Rehearing, it essentially goes into limbo indefinitely, even one to two years.

The Auditor/Monitor restated his suggestion that a process be set in motion which will allow the City's Police Department to function and that preparation for the next Q/35-Q/50 cab restart. Without some such action, there will be utter chaos.

Mr. Burdick said he understood the Auditor/Monitor to be saying parties should sit down and attempt to reach agreement on the status of those promoted under the last Q/35-Q/50 promotional examination. Mr. Burdick continued by noting that even if parties were to reach agreement, it would not prevent an individual from stating his/her disagreement. Professor Trives asked if it were not the case that if the City Attorney issued an opinion, the Chief of Police would then abide by that opinion. Deputy Chief Casey said that was not necessarily the case and he pointed to the matter of the Patrol Specials where there was disagreement between the Police Department and the City Attorney's Office; the only way to reach resolution was in court; however, this is not the general rule. Professor Trives noted Mr. Burdick's understanding to be correct.

Mr. Clisham commented that assuming the Ninth Circuit ruling stands, the fact that the most recent incumbents have been in the rank certainly gives them an advantage. Mr. Clisham noted that the POA raised this very issue prior to the Ninth Circuit ruling in terms of persons eligible to take examinations. The Auditor/Monitor noted the POA raised the issue for reasons other than impact on SME's. Mr. Clisham said he still did not understand why there is a delay in Q/35-Q/50 test developments. Again discussion was held regarding the requirements for a Job Analysis that will hold up to review. Mr. Clisham then asked at what step the test experts were when the decision to delay was reached. Mr.

Wong stated they were at the task of rating the importance of knowledges, skills, abilities and other; this is critical information. Mr. Wong noted that the experts were clear when they attended a previous Auditor/Monitor meeting. At that time they noted the data will drive the test design; therefore, the data must not be suspect and it is prudent at this time to stop until there is some clarification.

Mr. Wheaton said he was looking for a statement from the POA, the successful appellant, as to whether they believe the incumbents promoted as a result of the 1983 examination should, or even can be, demoted; is there any barrier to filing a stipulation to this question.

Bob Barry, POA President, stated there is no position at this point. The matter has been discussed with counsel, committee, Board and general membership; input has been given from many different groups in the Department. There are those who believe they are victims, others who have an interest based on where in the process they may have been displaced and those in the Department who believe, based on the Ninth Circuit ruling, that no one is entitled to a position from what are now seen as invalid lists. The POA is still looking at the question. Mr. Wheaton asked if a date for such an answer might be provided. President Barry said he thought Consent Decree counsel would meet independent of this forum and after the briefs are filed.

Professor Trives said that while he could appreciate President Barry's position, he was not sure that the POA has actually won anything. The Auditor/Monitor said he felt parties should be able to meet and decide whether to file a request to have incumbents removed from rank by some court action, or join with the City in an attempt to resolve the matter in some other way; five days seems more than reasonable given the seriousness and urgent nature of the question. Professor Trives asked if a POA general membership vote would be necessary. President Barry said that depended on a number of factors. Officer Barry then asked if an appeal could be withdrawn if party consensus were reached. Counsel noted that appeals could be withdrawn. Mr. Wheaton said he felt parties would agree to having the POA petition withdrawn, but not the City's/Public Advocates'. Mr. Burdick understood and noted that would need to be discussed. Officer Barry then asked what is the point of sitting down to negotiate in the face of the roadblock laid out by Mr. Wheaton. Mr. Wheaton said the City needs some guarantee that incumbents will not be withdrawn from their current ranks. President Barry commented five days was premature to offer POA answers.

Mr. Burdick proposed a meeting of counsel in his Office on Tuesday, March 31, 1987 at 3:00 P.M. to discuss this matter in an attempt to reach agreement. All counsel agreed.

5. OLD BUSINESS.

Status Reports:

A. City Attorney's Office Reporting

1. Project Manager/City Attorney's Office

Mr. Maguire said City Attorney Renne was still working on this matter.

2. Summary explanation of requirements necessary to complete job analysis under the Uniform Guidelines (to be prepared by test expert Dr. Sheldon Zedeck, City Attorney's Office test consultant).

The Auditor/Monitor noted that the City Attorney agreed at a prior meeting to have Dr. Zedeck prepare the summary noted above as a result of a request from Mr. Burdick and other parties. Ms. Hurley commented that special note was to be given to requirements for collecting task information; while generally there is no one correct method, there are guidelines which Dr. Zedeck could cite. Professor Trives stated this was just a reminder since the summary has not yet been received. Mr. Maguire said he would see Dr. Zedeck this afternoon and would bring the reminder to him.

On a related matter, Mr. Wong commented that the new Principles for the Validation and Use of Personnel Selection Procedures has been published by the American Psychological Association, Division XIV; these principles govern test development. Mr. Wong stated the principles were easily understood and he advised parties to get copies of the publication. Ms. Hurley noted the both Drs. Goldstein and Zedeck have been very active in developing the APA guidelines.

B. Consent Decree Division Reporting

1. Q/2 (entry level) recruitment and testing

Mr. Wong said it was obvious an entry level examination would be needed in the near future. Mr. Wong noted he was in receipt of Public Advocates communication regarding plaintiffs' concerns; as of today, Mr. Wong did not have a written report but expected to have one in the near future.

Mr. Wong said there are approximately 220 applicants active on file; 51% of those are minority and 11% female; therefore, a supplemental recruitment drive will be necessary. No recruitment will be conducted until such time as agreement is reached on the selection procedure to be used. The Consent Decree Division would like to use a pre-packaged front-end examination in place of the Audio/Visual examination. Three different types of examinations are being considered, two of which are offered through the International Personnel Management Association and one through the State of California Commission on Peace Officer Standards and Training (POST). The Division also looked at Bio Data. The Division is inclined at this time to use the POST examination within the prescribed cut-off range recommended by POST, but to use it on a non-weighted basis and have the oral component as the ranking criteria.

Mr. Wong stated the Division would make available a written report, including providing or citing validity evidence. Mr. Wong stated he welcomed any input parties might wish to offer prior to the issuance of the Consent Decree Division's written report.

The Auditor/Monitor asked for any questions on this item. None were heard.

2. Q/35-Q/50 (Assistant Inspector-Sergeant)

In addition to discussion held earlier at this meeting, Mr. Wong noted that the first Job Analysis Survey involving 120 SME's (60 Q/50's and 60 in combined ranks 0380-Q/35) will be ready to be administered whenever the process is restarted. Mr. Wheaton asked if the examination preparation process were to be restarted today, when would the examination actually be administered. Mr. Wong responded it would be a minimum of two months, and a very qualified two months at that. Much would depend on the test experts determination as to the sufficiency of the Job Analysis.

No other questions were heard on this item.

3. Q-80 (Captain) (SEE S.F.P.D. Information Bulletin #87-28, 3/5/87)

In keeping with the Three-Year Plan, Mr. Wong distributed to the Auditor/Monitor and counsel present a proposed brief summary submitted by Personnel Decisions, Inc. (test development experts contracted by the Division/City) regarding the Q/80 Job Analysis steps; basically an outline of the major steps necessary. PDI's report was dated March 18, 1987 and is attached to Mr. Wong's cover memorandum dated March 28, 1987. The first Job Analysis activities are slated to begin on April 2, 1987. Mr. Wong asked if parties could offer any comments or concerns as soon as possible so the necessary adjustments, if any, can be made.

Mr. Burdick asked if in view of the present uncertainty around Q/35-Q/50, it is not likely the Q/80 would be administered prior to the next Q/35-Q/50 examination. Mr. Wong said it is a possibility given the delay in the Q/35-Q/50 promotional examination process. Mr. Burdick also noted that given the delay in the Q/35-Q/50, any work currently being done on the Q/80 would have no impact on the Q/35-Q/50 process since that is on hold.

Mr. Clisham noted that it has so far been the position of the POA that the Q/50 be presented first, even if only by one week. Mr. Clisham asked to be kept informed as to timetables for the Q/80 development processes and actual administration. Mr. Wong noted the Three-Year Plan's party review requirements at certain steps throughout development and assured Mr. Clisham that those would be followed.

POA President Barry asked for a projection as to the earliest date at which the Q/80 examination might be administered. Mr. Wong said the earliest it might be announced would be two months; actually test administration could be shortly thereafter, although it would depend on several logistical factors.

The Auditor/Monitor noted that he has taken no action to date on the appointment of a Protest and Appeal Hearing Officer as noted in the Three-Year Plan until such time as it appears necessary; there is no reason to put a Hearing Officer in place until that function will be utilized.

C. San Francisco Police Department Reporting

1. Pregnancy, Maternity, and Child-Care Policy for Sworn Officers (See S.F.P.D. Information Bulletin #87-27, 3/5/87)

The Auditor/Monitor noted his presumption that the regulations contained in the Information Bulletin #87-27 are now Department Policy. Professor Trives then asked parties if there were any comments concerning the Pregnancy, Maternity and Child-Care Policy for Sworn Officers.

Deputy Chief Casey noted that on line three of the Information Bulletin there is a typo where it refers to "pregnancy, maturity, and child-care" is should read "pregnancy, maternity, and child-care."

The Deputy Chief noted that the existing, unofficial policy was made official by the Department through the SPFD Personnel Division and the Police Commission; most of the policy comes from Civil Service regulations.

The Auditor/Monitor asked if there were any problems with the policy or questions from parties regarding this matter. None were heard. The Auditor/Monitor then offered an observational question, i.e., what is wrong with identifying a person who is a police officer who happens to be pregnant in uniform — in a safe environment, not on the street or at risk — since there is a certain pride in being a police officer — star and uniform both being very important — and if there is a need to sublimate the pride simply because you are having children, there seems to be some conflict about what being an officer is all about. To have that star/uniform (the symbol of authority) taken away because of one's sex does not seem quite appropriate. Professor Trives again noted he offers this only as an observation.

The Auditor/Monitor asked if there remain questions in Mr. Clisham's correspondence which still need to be answered, or have all items been covered in earlier conversation at this meeting.

Mr. Clisham understood the general response to the correspondence to be that the next Q/35-Q/50 promotional examination is now "on-hold"; however, Mr. Clisham noted some of the questions are still relevant. Mr. Wong asked which questions those were. Mr. Clisham again asked about the status of the Job Analysis. Mr. Wong said experts were ready to begin the massive data collection when the process is restarted. Mr. Clisham asked about the administration of one versus two examinations. Mr. Wong noted the question would not be answered until such time as the data has been collected and analyzed, as would the question as to timeframe between the publication of the examination announcement and the date of administration. Again in response to Mr. Clisham, Mr. Wong noted that as of August 1986 the Department/City would owe 50 Q/50 appointments and 30 Q/35 appointments; as of August 1987, the numbers would be 75 and 45 respectively.

Continuing answering Mr. Clisham's questions, Deputy Chief Casey noted the Department has no plans to appoint temporary sergeants or inspectors; appointment of temporary lieutenants is on hold and there are no captain's vacancies. There are nine vacancies at the rank of sergeant and 69 at the rank of assistant inspector. That will change within the next week or so since the Department is doing away with the dual-rankers in the Field Operations Bureau; those individuals will revert to the rank of sergeant which will leave five vacancies at the rank of sergeant and 73 at assistant inspector.

The Auditor/Monitor asked if Mr. Clisham has had all his questions answered. Mr. Clisham noted all his questions put forth on March 13, 1987 arose out of a POA Federal Litigation Committee meeting, the Committee being very concerned about the timetable. Mr. Clisham noted there also appears to be some concern that since the Department has so few Q/50 vacancies, it might explain the delay in examination development and administration which would help explain why the Committee is quite anxious to see a timetable. Mr. Clisham needs to explain to the Committee why the test has been put on hold.

The Auditor/Monitor felt that the City, perhaps through Dr. Zedeck, could provide to the POA and all counsel for client distribution a statement about the rationale for suspending work on the Q/35-Q/50 examination. The Auditor/Monitor offered his views as to why this process does not lend itself to a rigid timetable, e.g., expert involvement, legal entanglements, etc., the process is imperfect. It will be much more effective to work together and attempt to understand the parts essential to the examination development process, rather than demanding calendars where none can really be provided.

continued on next page

Correspondence...

The Auditor/Monitor commented that in approximately seven years since the Consent Decree was entered, the same questions keep appearing and that serves no good purpose; rather an educational process as to the requirements for test development and testing must be put in place. Professor Trives reminded those present that Drs. Goldstein and Zedeck are the most highly renowned individuals in the United States in this field and that expertise must be given some credibility.

Mr. Clisham still returned to the question of the step reached to date by the experts in the Job Analysis process for the upcoming Q/35-Q/50 promotional examination; he asked specifically if the experts were at #5 or #6 of the tasks laid out in Mr. Wong memorandum of January 14, 1987. The Auditor/Monitor observed that Mr. Clisham was making his point; Professor Trives indicated these types of questions can't be answered with the certainty Mr. Clisham requires. Mr. Wong did note that the experts and Consent Decree Division are working at step five and will be ready to proceed with step six when the process is restarted.

Mr. Wong said he wanted to make a statement to the effect that to his knowledge the Department, Consent Decree Division, nor the test experts are delaying, but rather moving as quickly as they can. Issues being dealt with are very complex and must be handled prudently. The intention is to have a good examination, meeting all the objectives of the Consent Decree, etc.

Mr. Clisham said that he is trying to avoid drawing a conclusion; he is presenting the conclusions of the Federal Litigation Committee to parties. Mr. Clisham then indicated that Mr. Wong's March 4th data noted experts would be proceeding with Step 5.

Mr. George noted the question has been asked and answered. Mr. Clisham continued to note that the Federal Litigation Committee would be asking him these questions and he needed to be able to provide some answers. Mr. Wong then discussed surveying SME groups, including that in Step 6, two more groups (60 each) of SME's are scheduled to be surveyed; neither of those groups will involve the same people in the earlier survey groups. In explaining the numbers needed for the survey, the idea of surveying 90% of those currently in rank (Q/50-Q/35) was reiterated; this is to avoid duplication in an attempt to gain variability of data and independent ratings.

POA President Barry asked when the experts would be available to meet with the counsel to discuss these questions.

Mr. Wong noted that Dr. Goldstein works for the Department of Justice and Dr. Zedeck for the City Attorney; therefore, Mr. Wong could not answer Barry's question.

Mr. Maguire noted the test experts would be in San Francisco in April (perhaps April 8-9 - October 1987 and working on the Fire Department's case for at least one of those days); Mr. Maguire suggested perhaps something could be worked out at that time.

The Auditor/Monitor noted it appears Mr. Clisham is not able to get the type of answers he is seeking; Professor Trives then asked Mr. Clisham if the proposed meeting with the test experts sometime during the second week of April 1987 would suffice. Mr. Clisham agreed.

6. NEW BUSINESS

A. Temporary Q/60 (Lieutenant) appointments — S.F.P.D. reporting

The Auditor/Monitor distributed to all present copies of correspondence received by him from Public Advocates on behalf of the OFJ (James Wheaton letter of March 16, 1987) and Carroll, Burdick & McDonough on behalf of the POA (Christopher D. Burdick letter of March 9, 1987); both request no temporary appointments to the rank of Q/60 using the Department's proposed criteria. Objections were filed in response to a March 11, 1987 Auditor/Monitor request for counsel/party review of the S.F.P.D. Proposal of March 5, 1987 which explained the criteria which would be used in selecting individuals to be appointed temporary Q/60 lieutenant and noting the Department's intention to proceed with the plan on March 21, 1987 in the absence of objection. The proposal was submitted to the Auditor/Monitor by the Chief of Police, Frank M. Jordan.

The Auditor/Monitor asked for alternative proposals for the appointment of temporary Q/60 lieutenants.

Mr. Wheaton inquired as to what objection the POA holds. Mr. Burdick asked what Mr. Wheaton's objection is. POA President Barry stated the POA objection wasn't that substantial — an inquiry was received from the membership for clarification of the criteria. President Barry said he informed the POA general membership that the criteria is the same as was used the last time and that he personally had no major objections.

Mr. Wheaton stated his major objection as using the last Q/60 list for several self-evident reasons, e.g., there were no women, nor could there have been, on that list; this effectively bars all women, even those who are now Q/50 sergeants, from any possibility of receiving a temporary lieutenant's promotion. The second objection is the list which the Department proposes to use is dead and its expiration was something for which certain parties fought; to receive that list would not only be inconsistent, but could also cause some ill will. Thirdly, the list for the next approximately 20-30 positions evidences total adverse impact. Mr. Wheaton stated using that list in any manner whatsoever has a pretty substantial impact on minorities and, by definition, total adverse impact on women. Mr. Wheaton and his clients understand the need for the City to have good temporary lieutenants. Mr. Wheaton referred the Consent Decree saying that the temporary appointments like this are seen as being a benefit in some ways, a benefit that, according to Mr. Wheaton, should be shared by all sergeants. Mr. Wheaton stated, for purposes of discussion, four concerns which he felt would meet everyone's needs: 1. seniority in the Department, not the rank, should be taken into account; 2. rank on the last Q/50 list should be considered; 3. assigning minority/female points; and 4. the temporary list resulting from the criteria in points 1, 2, and 3 should exist for a long time, while maximizing the time served as a temporary lieutenant to six months, although an individual could be reappointed as a temporary lieutenant.

Mr. Wheaton noted that the next Q/60 examination can't be more than one year after the adoption of the next Q/50 list, and the current sergeant's list is now on hold. It is fair to assume there won't be a Q/60 examination any time soon. In their interim, work is moving forward on a Q/80 captains' examination, as well as there being a potential for change in S.F.P.D. administration;

therefore, there will probably be a fair number of vacancies at the rank of Q/60 lieutenant.

The Deputy Chief stated there would not be that many vacancies; without a change in administration, there vacancies could be expected at the rank of Q/60. If there should be a change, there might be eight additional vacancies resulting in a maximum of 11 vacancies.

Mr. Wong explained the total number of actual permanent Q/60 lieutenants exceeds the total number of budgeted lieutenants positions because they are in fact occupying Q/80 captain positions.

Mr. Wheaton also stated there are between 30-32 Q/60 appointments necessary to meet the obligation of 48 in the Consent Decree. Mr. Wong agreed.

Mr. Wheaton stated that in any case, under the Department's proposal no women have an opportunity to serve as temporary Q/60 lieutenants and that must be rectified.

Deputy Chief Casey noted that Mr. Wheaton's point #2 above simply changes one unpopular list with another unpopular list. The Department's proposal attempts to use people who have worked in the rank of Q/60 before and who demonstrated some ability by passing the last Q/60 examination. The positions to be offered are relief lieutenant in a station on all three shifts.

POA President Barry said he shared Mr. Wheaton's concern that under the Department's proposal, women would not have an opportunity to participate in this process; however, Barry noted he was being a realist when he considers that it is not known where the last Q/50 examination status sits. There are potentially four affected groups of people, and Mr. Wheaton's suggestion might give persons who may not even be sergeants an opportunity to serve as temporary Q/60. That might be creating a real nightmare; the reaction in the Department could be devastating. Mr. Wheaton understood Barry's comments and said he was open to alternatives.

POA President Barry stated that the Department's March 5, 1987 proposal looks like a fair process and he had no alternative suggestion. The Auditor/Monitor noted that the POA Federal Litigation Committee should certainly be addressing the issue of no female eligibles under the Department's proposal since the Police Officers' Association is a party to the Consent Decree.

The Auditor/Monitor requested Barry bring the matter back to the POA.

For the record, the Deputy Chief said that if parties can not reach agreement, the Department will not make any appointments to temporary Q/60; relief lieutenant's positions will be filled on a like-work-like-pay basis by whomever is working that night. Professor Trives asked if there are sufficient women Q/50's at the stations as to where, by the luck of the draw, some Q/60 experience could be allocated to women. The Deputy Chief responded affirmatively. Professor Trives noted that would at least be some experience, although certainly not long term.

For clarification, Mr. Burdick checked to be sure he understood Deputy Chief Casey to say that in the absence of party agreement on selection criteria for appointment of temporary Q/60 lieutenants, the relief lieutenants positions would be filled on a like-work-like-pay basis and individuals would be compensated accordingly and that Deputy Chief Casey made this statement notwithstanding a comment made by Mr. Killelea (City Attorney's Office) to Mr. Burdick some time ago that there is no statutory authority for like-work-like-pay assignments. The Deputy Chief said Mr. Burdick's understanding was correct and the Department position regarding paying for like-work-like-pay assignments, regardless of statutory authority, is "we pay it anyhow."

The Auditor/Monitor asked for any further discussion on the issue of appointment to temporary Q/60. Professor Trives also asked POA President Barry once again if he would bring the matter back to the POA Federal Litigation Committee since the POA is a party to the Consent Decree. President Barry said he would bring the issue back to the Committee.

Mr. Burdick noted the matter of selection criteria for the appointment of temporary Q/60's would be included in the upcoming meeting of counsel on March 31, 1987.

7. COMMENTS/DISCUSSION

The Auditor/Monitor asked for any further comments or discussion.

Mr. Maguire noted the City has an EEOC complaint against the City for age discrimination. The City is attempting to wrap that case up. To that end it is the intention of the City to place in the next recruit class three individuals over age 40. Mr. Maguire stated he would send a letter to all parties noting the City's intention and asking for objections, if any. Per a recent Charter amendment, upper age limit for entrance into the San Francisco Police Department has been eliminated. The Auditor/Monitor stated he has no objection so long as no adverse impact results in the total class.

Mr. Wong and Deputy Chief Casey indicated their hope that there would be a recruit class commencing in September, 1987.

Once again, the Auditor/Monitor introduced the new member of the City Attorney's staff, Mr. Dan Siegel, who will be working in the area of Protective Services.

8. ADJOURNMENT There being no further comments of discussion, the Auditor/Monitor adjourned the meeting at 3:18 P.M.

April 1, 1987

Mr. Bob Barry, President
San Francisco Police
Officers Association
510 Seventh St.
San Francisco, CA 94103

Re: Meeting with City Attorney and Public Advocates re: Possible settlement of 0-0-100 Percent Q-35/Q-50 Reweighting Case and dispute over temporary Q-60 assignments

Dear Bob:

As you will recall, during the Auditor/Monitor meeting of March 23, 1987, the Auditor/Monitor strongly urged counsel for all parties to get together in an attempt to seek (at the very least) some interim agreement on the status of the 125 Q-35 and Q-50 Assistant Inspectors and Sergeants who were promoted off the "reweighted" eligibility lists April 6, 1986, as the uncertainty over

the status of those persons had put completely on hold the preparation by the test experts of the upcoming Q-35/50 promotional examinations. All of the experts believe that the present uncertainty over the status of those persons precludes the experts from interviewing them and using them as resource persons (classically referred to in the trade as "subject matters experts" [SME's], as there is a concern by the experts that if those persons are uncertain over their futures they will be unpredictable and unreliable sources of information as to the typical tasks, duties and responsibilities they perform on a daily basis. The preparation of a job-related job description as the result of a job analysis is an absolute necessity for preparing a content-valid examination. Approximately 75 of the present 225 Sergeants were appointed off the April 6, 1986 "reweighted" eligibility list, and the experts are reluctant to prepare a job analysis by only interviewing two-thirds of the present incumbents, none of whom would be women. The Auditor/Monitor obviously believes that preparation of a new Q-35/50 to be a top priority (and under the Three-Year Plan it certainly is), and he is extremely upset and concerned over the experts decision to stop until the issue of the job status of these 125 persons is resolved.

Obviously, one of the strongest bargaining chips we have in an attempt to resolve the Torres case is the possibility that the 125 persons appointed on April 6, 1986 may be removed from their positions, a prospect which would take all the women out of these positions and a number of minorities as well. As a practical matter (as pointed out in our Petition for Rehearing and in the City's Petition as well), I have been unable to find any case in which a federal court has ordered the removal of innocent beneficiaries of action which is later determined to be employment discrimination against protected classes: none of the other lawyers in this case (including Jerry George and the Department of Justice, who handles these cases all over the country) has ever seen a case in which the Court has ordered, as part of its relief to victims of employment discrimination, that the persons who got the appointments or promotions in their stead be deprived of those positions. On the other hand, in the Torres decision, there is the clear implication that that is a possibility here.

At your direction, we made no settlement proposals during the meeting which was held at our office on Tuesday, March 31 and was attended by Dan Siegel of the City Attorney's office, Jim Wheaton and Allison Hardy, Public Advocates, and Dave Clisham and myself. As a result of that meeting, several things stand out:

(1) Siegel's apparent only concern is the delay in the new Q-35/50 examination: he wants the POA to issue a joint statement with the City Attorney's office reassuring the 125 present incumbents that there is little, if any, likelihood that they will be removed from their positions as a result of anything the Court does, so that those persons may then be used in the preparation of the job analysis with some degree of assurance by the test experts;

(2) Mr. Siegel doesn't appear to be very concerned about any other aspect of the decision, but then he is a newcomer to the case and is not very familiar with its background;

(3) Jim Wheaton is absolutely confident that none of the 125 persons has any chance whatsoever (even a microscopic, infinitesimal chance) of being removed from their positions, and he is therefore unwilling to discuss any "make whole relief" for the displaced persons, unless it is on a one-for-one quota basis for vacancies over and above those. That is, Wheaton is fully prepared to discuss taking those displaced persons and promoting them to the next vacancies for Sergeant provided that for each person so promoted (who is not a minority) that the Department agrees to promote one minority. Obviously, this is unacceptable to the POA.

(4) It is in everybody's interest (including the POA's) to have the test preparation for Q-35/50 proceed with reasonable dispatch, as all the other promotional examinations (with the possible exception of Q-80) will not occur until this next Q-35/50 is given.

I see no reasonable likelihood that the parties are going to be able to settle this case between themselves. The POA cannot, at this point, abandon the "displaced persons," and we are placed in a true ethical and moral dilemma in regards to the rights of the 125 persons promoted. It was one thing for the POA to make every effort to see that no promotions were made and to clarify the rights of all parties under the "weighing" — the POA's efforts in that regard were unsuccessful before Judge Peckham, the Ninth Circuit Court of Appeals, and the Supreme Court in regards to getting a stay. While the POA has prevailed now before the Ninth Circuit, that a decision is truly, "mixed bag," providing little solace to the individuals who were involved in the 1983 examination process but providing an extremely beneficial (and very important) holding that in the future it is a violation of the Consent Decree for the City to take into account the race and sex of applicants once the examination has been administered and the weights and scores have been set.

Both Siegel and Wheaton requested that the POA Board of Directors consider the possibility of the City Attorney's office and the POA's counsel issuing a joint, written statement to each of the 125 persons promoted on April 6, 1986, advising those persons, in essence, that counsel mutually believe that there is little, if any, real likelihood that those persons will be removed from their positions based upon a long-standing Title VII and case law in the Ninth Circuit (as well as the other Circuits), and that being the case, those persons should have no qualms in cooperating with the expert witnesses in the preparation and execution of the next Q-35/50 examination. I hereby pass along this proposal to you, and request that you bring it up to your Board (and the Federal Litigation Committee, if necessary) at the next, regular Board meeting. We would be pleased to attend.

I have already forwarded to you a copy of our Petition for Rehearing in the Torres case, as well as the Joint Petition filed by the City Attorney and Public Advocates. I am about two-thirds of the way through the disastrous decision of the United States Supreme Court in *Johnson v. Santa Clara County Transit Agency*, and I hope to have to you in the next seven-ten days a written analysis of the two United States Supreme Court affirmative action decisions this term, namely *United States v. Paradise* and *Johnson, supra*, both of which severely undermine our positions and contentions in this case.

Very truly yours,

Carroll, Burdick & McDonough
Christopher D. Burdick

KOBAN OPENS IN CHINATOWN

by Paul Chignell

A recent historic addition to Chinatown was the placement of a *Koban*, a mini police station, in the community. Pictured here is the *Koban* which has been well received by the community and is going a long way towards establishing a better relationship between the merchants & residents and members of the Police Department.

A debt of gratitude is owed to many individuals who made the *Koban* possible, but chief among them is Pius Lee, a San Francisco merchant and political figure who would not give up and has been his dream to fruition.



The City's first *Koban*, located in Chinatown, provides easy access to police personnel for local citizens and tourists.

"WOMEN" LUNCHEON NOTICIAS

We did it again! That is the "Women" did. The awardees, Raquel Leon, Kira Eldemir & Adria Garabedian were surprised and pleased. They looked great with their orchid corsages!

Nancy Pelosi did an outstanding job of presenting the Awards. She will no doubt make an excellent representative of the 5th Congressional District.

Si Tashjian sent over a dozen roses for Nancy and contributed the corsages for our outstanding women receiving recognition.

We want to thank Senor Lofrano, Tami Moore, Bill Vela, Artemis Cafe, Si Tashjian Florist, Liliana Rossi, Leticia Rossi, our Amigo officers, President Shirley Cohelan Burton, Vice-President Oscar Carcelen, Secretary Samantha Yruegas, John Bulen, Frank Hutchins & Bob McDonnell.

From Pacific Bell, Jeannie Munich, Steve Machado & Ed Duggan.

From PG&E, Ila Homshire.

From the SF Police Dept., Mission Station Captain Michael Lennon, Lt. Al Casciato & Deputy Chief Vic Macias.

From SF Fire Dept., Deputy Chief Charles Cresci & Fred Postel.

From Muni Railway, George L. Newkirk.

Labor was out in force, Rudy Meraz, Bob Mendes, The Walter Johnson, Local 1100, Diana Oswald, George Ando, Mike Hardeman, Daniel Earls, Arthur Stewart, Mary A. Peterson, Leslie Rainey & John Mendez.

We are having a fundraiser and need your help! We are having a dance on May 2, 1987 from 7-11 P.M. — Music of the 50's-60's. Tickets - \$11.00. We will have a great time! Call Margaret Bradford at 826-6880 for tickets.

LA Dodgers vs SF Giants. Latin American Night on August 14, 1987. Call if you have a group or need tickets - 826-7383 ask for Dorothy.

Come and meet friends and residents
of the Mission-Dolores Community!

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Chuck Ayala

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Fri) 10-12 (Sat)
- Aerobics 6:30-8 (Mon & Fri)
- Boxing 6-8 (Mon, Wed & Fri)
- Boy Scouts 6-8 (Wednesdays)
- Capoeira 6:30-8:00 (Tues)
10-12 (Sat)

Athletic Director:
John Rodelo, 826-6880

Student Opportunity Service/
Mayor's In-School Youth Program

The Student Opportunity Service administers two subsidized youth employment programs, the Mayor's In-School Youth Program, which usually runs throughout the school year, and the Summer Youth Employment and Training Program, which employ students in the summer months. The Student Opportunity Service also has a strong commitment to helping those youth who are enrolled in the above listed programs to obtain jobs in the private sector. We employ a part-time job Developer, who is primarily responsible for conducting job searches throughout the city. We help youth write resumes and practice interviewing. The Student Opportunity Service maintains a job board as well as a library of college catalogs.

As governmental support for youth diminishes, we are constantly striving to discover new ways to continue this needed service to the youth of San Francisco.

Employment Coordinator:
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Amigo News

MERCHANT & INDUSTRY LUNCHEON
NOTICIAS: We had a big crowd turn out for the "Merchants & Industry Luncheon."

The Honorees were Robert Sanchez of the 24th St. Merchants Assoc., Jay Litch from Downtown Assoc. of S.F., George Rodriguez from Mission Economic Development Assoc., and Felix Rosado from Hispanic Chamber of Commerce.

Lee Dolson, Margaret Cruz, Bernardo Gonzalez, Bob Switzer and Rudy Meraz made the presentations.

Oscar Carcelen, Vice President of the Amigos, Frank Hutchins, John Bulen & Tami Moore all donated prizes for our raffle. Gracias!

Frank Hutchins won a prize in the raffle.

Frank Dominguez did not win the raffle, but he did help at the bar, thanks Frank.

John Bulen and Tami Moore again helped out at the bar and selling tickets for our raffle.

Jerry O'Connor and his nephew Jerry O'Connor were present, The Bradys, Ron Bixler, Pete Bullard, Rosa Perez, Candidate for Congress Mike Garza, Ed & Rowena Rueda, Ann Thiery of Miz Browns, Diana Oswald, Will Hardee, Ila Homsher of PG&E, The Parras, Lt. Al Casciato, Oscar Herrera, Charlie Meyers, also were in attendance.

Robert Williams from Private Industry Council was a first timer. Martha Villazon from the Mayor's Office of Community Development was looking very good at the luncheon.

It was surprising not to see any candidates running for Congress except Mike Garza at the luncheon. It would seem that votes in the district would be important.

Nancy Pelosi appears to be the strongest candidate on the democratic side and Mike Garza from the republican side at this time — Election is April 7, 1987.

Thanks to William Sanchez, Dorothy Alvarez and Gloria Bonilla.

Our regular cook Honorata Balcazar cut her hand and we were lucky to have Dulce Malinowsky and Doris Commer to help out.

**IN REMEMBRANCE OF A LONG-TIME "AMIGO"-
"FRIEND"** We learned that Manuel Ceballos had died Thursday evening February 26, 1987. We grew up with Manuel Ceballos in the south of market district. Manuel also was a member of the Golden Gate Bridge Board.

We closed in memory of Manuel Ceballos.

GET WELL SOON Our good friends Bob McDonnell & Jack Rosenbaum were in the hospital, we wish them both a speedy recovery.

CYO-URBAN DEVELOPMENT FUNDRAISERS We thank everyone for the support of the fundraiser held February 13, 1987 at the Cow Palace featuring, "Magic Kingdom Ice Capades."

Our next major event will be a dance held May 2nd featuring the 50's & 60's music entitled "La Bamba Tropical Night." You will hear more about this.

We have already booked August 14, 1987 Friday evening at Candlestick Park. Giants vs Dodgers. We sold 800 tickets last year and we sold them early. We had a great time! If you or your organization want tickets for that evening please call me at 826-7383.

Hasta,

Chuck Ayala

P.S. We anticipate Nancy Pelosi will be the Mistress of Ceremonies for our Amigo Luncheon. Nancy Pelosi has been recognized by the Democrats in the U.S. Senate as the single most important individual responsible for winning the Senate for the Democrats in 1986. She is actively committed to a safe environment, equal rights, and social justice.

NEXT AMIGO LUNCHEON

The AMIGOS of CYO-Urban Development
will host their

**2nd Annual
"Sports & Education"
Luncheon
April 24, 1987**

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12:00 NOON

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180 Fair Oaks Street

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PARKING IN THE YARD!

Mayor Exceeds Authority

continued from page 1

case, Inspector Clark would be prohibited by Penal Code Section 832.7 and Government Code S6254(c) and (k) from divulging the results of his investigation beyond what would generally be divulged to the general public. Divulging such material would also be in violation of San Francisco Police Department General Order Z-3, "Release of Police Reports".

As I expressed to you in our meeting of April 8, when I became aware of the fact that Inspector Clark was involved in this case (April 6, 1987) and that he, Officer Scarborough and Officer Scarborough's attorney were "reviewing" the file in the Sexual Assault Division I contacted the Legal Division and expressed my concern that certain material in the file, i.e. Officer Yoshii's taped and/or written statements were "confidential" and should not be reviewed or released to Officer Scarborough, her attorney or Inspector Clark. The Legal Division and the District Attorney's office concurred with my analysis and would not authorize the release of the material at that time. I want to be assured that Officer Scarborough, her attorney, the mayor or any other person not directly involved in the Management Control investigation will not be authorized access to or be briefed on the contents of the "Yoshii" material.

It is my further contention that regardless of Inspector Clark's role here, the results of his "independent" investigation should not be reported to Mayor Feinstein except as to the "general" nature of the investigation authorized by law. It is also my contention that should Inspector Clark be allowed access to Officer Yoshii's tape recorded or written statement, then the contents of such material should not be released to anyone not authorized by law to have such material. There are appropriate legal procedures to be utilized by Officer Scarborough's attorney should she desire to obtain such material.

In conclusion, I feel that the direct involvement in this situation by Mayor Feinstein is totally outside the bounds of her authority and constitutes "political tinkering" in a very serious accusation against a sworn member of the department. This case was investigated by highly skilled inspectors, reviewed by command officers of the San Francisco Police Department, as well as expert trial attorneys within the District Attorney's office. Their joint conclusion was that no crime had occurred.

The mayor has continually expressed her confidence in the professional integrity of the San Francisco Police Department. Unfortunately, her well-intentioned efforts to provide assistance to Officer Scarborough have, in fact, exacerbated the situation. The mayor should be assured that all appropriate procedures have been and will continue to be utilized to resolve the matter.

As this is a very serious situation involving the rights

of our officers, I look forward to meeting with you at the earliest possible opportunity.

Sincerely,
San Francisco Police
Officers' Association
Bob Barry
President

NOTE: Homicide Inspector Herman Clark, a well-respected member of our department, currently on loan to the mayor's office was, in my opinion, placed in a very awkward position when he was given the task of "reinvestigating" this case.

Our entire membership should be aware that at all times throughout this investigation, Inspector Clark was quite cognizant of officer Yoshii's rights both from the criminal and administrative aspect. At no time did Inspector Clark divulge any information to anyone other than to the Chief of Police.

Chief Jordan recently met with Mayor Feinstein and gave her a general briefing on the investigation's results. Inspector Clark completely agreed with the findings of the investigations by Inspectors Bastiani and O'Connor and Deputy District Attorney Cling.

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Politics

continued from page 1

didates, San Francisco Supervisors, ganged up on her with intense personal and political criticism, she outspent and outcampaigned them to win the highest number of votes amongst the Democrats, assuring her of a Congressional seat after the June 2nd election with the Republican nominee. Significant shifts occurred with the close race between Pelosi and Britt. Britt deserted his previous Mayoral candidate, Assemblyman Art Agnos, at the beginning of the race and reached a political compromise with the other Mayoral candidate, Supervisor John Molinari. In return for Molinari's support for the House seat, Britt endorsed Molinari for Mayor, shocking many of Agnos' supporters. But Agnos had the last say in this political shell game as Pelosi won the race for the coveted House seat as Pelosi and her allies are expected to support Agnos vigorously for Mayor.

POA STAYS NEUTRAL IN HOUSE RACE

The Pelosi-Britt race was close with only 4,000 votes separating them in the final analysis. The Police Officers' Association was wooed by both camps for our endorsement which is considered one of the most important endorsements in the City's political wars. After intense lobbying, the POA stayed neutral as all of the major candidates will have some say in the determination of our working conditions. In addition, powerful political figures around the State of California asked the POA to stay neutral. These figures were all supporting Nancy Pelosi but recognized that local issues were important to the membership and numerous Supervisors were either running or were supporting various candidates.

POA CONSULTANT LOBBIES FOR BRITT

POA campaign consultant Richard Schlackman who has handled our recent ballot propositions lobbied for the endorsement of Supervisor Harry Britt. Schlackman has recently signed on to assist Molinari in his Mayoral bid but his advice to endorse Britt for Congress was soundly rejected by the Board of Directors of the POA. Within the army of political consultants in San Francisco, Schlackman was clearly the loser in this race as he backed the losing candidate and could not deliver a powerful labor group to assist Britt, an endorsement that Britt clearly needed and one that rejected their own consultant's advice. In the end, that advice was obviously wrong and the POA made the right choice.

WINNERS ON APRIL 7th

Various individuals and organizations were clear winners after the Pelosi victory. Former Congressman John Burton, Lt. Governor Leo McCarthy, Assembly Speaker

Willie Brown, the activists and supporters of the Democratic Party which had been led for some time by Nancy Pelosi, Assemblyman Art Agnos and his supporters were winners. The only public employee union which had a large membership, the Transport Workers Union, supported Pelosi and were clearly the winners. Supervisor Wendy Nelder, the only Supervisor to endorse Nancy Pelosi, emerged as a major winner after the race was over as Pelosi is the kind of politician who does not forget.

LOSERS ON APRIL 7th

Two major public employee unions took a bath after the Congressional election. Service Employees International Union which represents most miscellaneous City workers and the Firefighters Union Local 798 both endorsed Harry Britt and worked hard for his campaign but they were on the losing side. Supervisor Molinari, still strong as a Mayoral favorite was a loser for his efforts on behalf of Harry Britt. In addition the Supervisors who endorsed Britt or ran for the seat themselves were losers but they will quickly rebound secure in their Supervisorial seats. State Senator Quentin Kopp endorsed both Supervisors Bill Maher and Carol Ruth Silver in return for their support for his narrow Senate victory in November and must be considered a loser as both of his candidates did very poorly particularly in Kopp's strength which is the western side of the City.

BRITT'S FUTURE

Though losing a close race for Congress and though Britt must do some soul searching for his abrupt deal with Molinari and how that hurt his campaign, the Supervisor emerged as a strong voice for his political philosophy. If Agnos defeats Molinari for Mayor in the last days of 1987, Britt would be a strong favorite for the vacant Assembly seat in the southeastern portion of the City. Britt also showed that he could gather together a strong cadre of supporters from the male gay community, renters and environmentalists.

PELOSI AND THE POA

The soon-to-be Congresswoman was extremely grateful for the neutral stance that the POA took in the race to succeed the late Sala Burton. She also was 100% correct on all questions asked of her by members of the Board of Directors including death benefit legislation, social security, binding arbitration and others. Pelosi pledged to be an activist member of Congress on behalf of the POA meaning that she would advocate and twist arms locally on behalf of all our issues. Nancy Pelosi has the capacity to be a major player on the Washington scene with her fundraising ability and connections in the Capitol. She will be a strong friend of the membership while serving in the House of Representatives.

CAMPAIGN COMPARISON

It appears that the campaign tactics of Pelosi's opponents did not work. The high negativity, issues of the moment and attacking Willie Brown, Leo McCarthy and other Democratic regulars was wholly unsuccessful. The 1987 Mayor's race should be more of the same and it looks like any candidate who gets too negative or stresses recent issues as opposed to a total record over a period of years, will be in jeopardy of losing the race. McCarthy and Brown are supporting Assemblyman Agnos for Mayor and the new Congresswoman is expecting to follow suit. The Britt forces will be with Molinari. There are many other variables to this race with both major candidates having strengths and weaknesses that go well beyond the comments in this article. But the opening shot has been fired in the 1987 Mayor's race and Agnos has won the first round.



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SPORTS

COPS AND LAWYERS

Submitted by Dennis Bonnel of the range

by Kim Roen

At lunchtime on October 16, while all "law abiding" citizens were safely munching on their sandwiches, the San Francisco Police Department and the District Attorney's Office battled it out in their Annual Ironman Pentathlon. In front of a screaming crowd of 40 spectators, both teams and individuals ran through a circuit of five events: bench (100 pounds), situps (3 minutes), pullups (maximum number), pistol shoot (50 yard bullseye), and a five-mile run.

DA Investigator Karen Hibbitt brought home the Ironwoman honors with 2,740 points, the first woman to ever complete the entire circuit. Ironman went to Mark Lundin of Park Station with 3,425 points total. While the event is highly competitive, the rivalry is friendly. "Running used to be a big rivalry," said Officer Jeff Baker, "but the DA's best runner went on to private practice." Although the Ironman is always an exciting event, the team competition is a lot more popular, with each member concentrating on only one category. "I tried the Ironman once," says Barker, "but after the bench my arms turned to rubber."

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U.S. Open at the Olympic Club They're Looking for Volunteers

by Lt. Bruce Lorin

The Golf Tournament of the year will be held at the Olympic Club Lake Course June 15-21, 1987. The United States Golf Association U.S. Open is one of the most prestigious golf tournaments in the world. The best golfers from throughout the world will be competing here and they have asked the San Francisco Police Department for help.

Some of you may remember previous U.S. Opens held at the Olympic Club. In 1955, Jack Fleck defeated Ben Hogan in an 18 hole playoff. In 1966, Billy Casper defeated Arnold Palmer in a playoff. Some of the players already guaranteed spots in the 153 player field include Jack Nicholas, Greg Norman, Ray Floyd, Steve Ballesteros, Bernhard Langer, Lanny Wadkins, Payne Stewart, Bob Tway, Tom Kite, Tom Watson, Fuzzy Zoeller, Andy Bean, Corey Pavin, Ben Crenshaw, Calvin Peete, Hal Sutton, Isao Aoki, and Tommy Nakajima.

Practice rounds will officially begin on Monday, June 15. Tickets were sold out in the summer of 1986, and they expect 25,000 people each day. The actual tournament begins on Thursday and the field will be cut down for the final two rounds on Saturday and Sunday, for the finals. If it again ends in a tie, the playoff will be 18 holes on Monday.

We are fortunate that the Olympic Club has come to us to ask for volunteers to work at the Open. For most of us, that is the only way we would ever get in to see this event.

Here's the catch. In a letter sent to the Chief on 02/25/87: "The U.S. Open promises to be a golf event attracting more attention than any other golf tournament in the history of the sport. It has been sold out since July, 1986. As a result, there is a big demand to be a volunteer in order to be part of this great happening."

Because of the known abilities of the people in your Department, and their interest in golf, we wish to offer them the opportunity to assist at the 1986 U.S. Open.

It will be necessary for your people to work a 4-hour shift for at least 4 days, from Monday through Sunday, June

15-21, 1987. When they are not working their shift, they are free to watch the tournament.

Security volunteers will be furnished a windbreaker and a golf hat. Lunch will be provided each day. Parking will be available."

The duties of the volunteers will be gate control, crowd control, and sponsor tents and building security.

Regardless of which 4-hour block you work, there will be plenty of golf to see. This Tournament has a slightly different format than usual pro-tournaments. In this Open, all players will start from the first tee only, starting at 7:30 a.m. They estimate the final group will be teeing off after 3:00 p.m.

If you're interested in volunteering, contact Officer Jerry Cassidy from the Solo Motorcycles at 553-1245 between 0700 and 1500. He will need your name, address, telephone number, and hours of availability.

PC Time

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ENTRY (Please Circle):

MILE 10K

SHIRT SIZE (Please Circle):

RACE NUMBER:

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Kids 17 or under: indicate exact age

WAIVER: I, intending to be legally bound, hereby, for myself, my heirs, executors and administrators, waive and release all rights and claims that I may have against the Golden Gate National Recreation Area, the MDP Foundation, the Pamakid Runners Club, The Athletics Congress, and any other officials, sponsors, persons and organizations affiliated with the Ocean Beach Mile & 10K on May 31, 1987. I further attest that I am physically fit and have trained for this event. I acknowledge that this event will run on natural beach, which may include hazards, debris, and difficult footing; and that I accept the risk of injuries associated with these conditions. Further, I hereby grant full permission to the Sponsors of this event to use any photographs, videotapes, motion pictures or recordings for any legitimate purpose.

RUNNER'S SIGNATURE

Parent's signature if under 18 years of age

Mail tax deductible check to MDP Foundation, 528 Larch Avenue, So. San Francisco, CA 94080

For information call: Bill Duke (415) 593-6766 evenings.

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From 1:00 a.m., Great Highway and Balboa Street, San Francisco

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To all registered runners.

SEX AGE

TEAM ENTRY (10K): Three or more as many teams as desired.

TEAM/CLUB NAME

On February 1st, the 1987 version of the Central Express Rolled out of Co. A at 0800 hrs. to compete in the YMCA's Chinatown Run. The 5 mile route kicks off the Chinese New Year's celebration while raising money for the local YMCA. The Express recommissioned some old baggage cars of Lee Clarke, Jim Deignan and Jerry Calgaro who all distinguished themselves well (especially at the post-race brunch). Our veterans from past years, Nelson Lum, Kevin Dillon, Stebbe Venters and myself were joined by youngsters Carl Tennenbaum, Bob Ribiero and Kirk Brookbush (who finished 800th — really!).

There was a raffle for a Mazda 323 afterwards which we failed to win, so we consoled ourselves at the Washington St. Bar and Grill until mid-afternoon. Our next group run will probably be the Houlihan's to Houlihan's

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Phone PAL: 567-3215

POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



NATIONAL PAL-REEBOK BASKETBALL SHOOTOUT

It was a cold, showery day on March 21st when a small number of boys and girls turned out for the first PAL-REEBOK National Basketball Shootout held on the San Francisco Police Academy grounds. The small turnout, no doubt, was attributable to the forecast of rain and showers. Nonetheless, the show went on. First place in the 10-12 boys category went to Philip Green with a total of 25 points in the finals. Green, 12, is a student at James Denman Middle School, received a REEBOK-PAL T-SHIRT, a certificate of participation, a trophy, and a Gift Certificate for a pair of Reebok Shoes. Second place with a score of 22 points went to 12 year old Victor Perez. Perez attends St.

Anne's School. 3rd place went to 12 year old Chancy Burton of James Lick Middle School. T-Shirts and Trophies were awarded. In the 13-15 boys category, First place went to 13 year old Aaron Cuadra with a score of 24 points. Cuadra attends A. P. Giannini School. Cuadra also won a pair of Reebok Shoes, First Place Trophy, Reebok-PAL T-Shirt, and a certificate of participation. Second place with a score of 17 points went to 13 year old Justin Jacobson. Jacobson attends Aptos Middle School. Third place went to Randy Gerstbacher. Gerstbacher is 13 and attends Stuart Hall School. Trophies and Certificates and T-Shirts were also awarded. Anthony Duncan won the boys 16-18 category with a score of 11 points. Duncan attends McAteer High. Duncan was awarded a Reebok-PAL T-shirt, trophy, Certificate, and a pair of Reebok Shoe Certificate. Kevin

Despain was the runnerup. 14 year old Sharon Osterloh of Lowell High School was the Champ in the girls division. Sharon scored 18 points to win her division. Sharon was awarded a trophy, a Reebok-PAL T-shirt, a Certificate, and a pair of Reebok Shoes. 2nd place went to Cynthia Ho, also of Lowell. 3rd place went to Amoura Burton of Wallenberg High.

To all the participants our heartiest thank you for showing up and participating on a cold, blustery, and rainy day. And our congratulations to all the runners and Champions. Our thanks to National PAL and the Reebok Shoe Company for sponsoring this event. Special thanks to all our volunteer coaches and officials for their assistance.



San Francisco PAL Vice President Sgt. Dirk Beijen awards a trophy to Division Winner Philip Green, age 12. Green was the overall Champ scoring the most points of all the contestants. Green attends James Denman Middle School.



Head Coach Kevin Fong poses with some of his Girls Varsity team members after winning the Girls Varsity Division with a score of 72. Second place was McAteer with 68 and 3rd place was a tie between the Washington High and Lincoln High Girls with identical 36 points.



Lt. Mario Tovani, Co E (Ret), officiating the Reebok-National PAL Basketball shootout held recently at the Police Academy Grounds. Lt. Tovani is also the Commissioner of Sailing for the PAL and a member of the Board of Directors who has kept active with the PAL since his retirement a year ago. Thank you for your help, Mario. The kids thank you also.



Part of the track action at the AAA WCAL PAL High School Relays. The High Hurdles Shuttle was won by St. Ignatius with a team score of 1:06:01. Second place went to McAteer High.



Off. Joe Clemons (Co D), giving final instructions at the Reebok-National PAL Shootout.

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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



AAA WCAL PAL HIGH SCHOOL RELAYS

The AAA WCAL PAL High School Relays was held on April 4th after a rain delayed postponement. Eight high schools sent Varsity, Frosh-Soph, and Girls Varsity Teams to the all-day event. The usual track and field events were offered including relays, shot, long jump, triple jump, discus, high jump, hurdles, distance, and sprints. Over 350 track and field competitors formed teams and competed.



St. Ignatius Track Team pose with first place trophy at the AAA WCAL PAL High School Relays held at McAteer High. Receiving the trophy was head coach Julius Yap (top left) who was all smiles after his team scored 118 points. Sgt. Jim Meyer (TAC) (rt) presented the trophy on behalf of the PAL.

The official standings are: Boys Varsity: St. Ignatius, 1st, McAteer 2nd, Galileo 3rd, Lowell 4th, Sacred Heart 5th, Washington 6th, Balboa 7th, and Lincoln 8th. In the Frosh-Soph Division, St. Ignatius was declared the Champions with a score of 118 followed in order by Lowell, 2nd, McAteer 3rd, Galileo 4th, Lincoln 5th, Sacred Heart 6th, Washington 7th and Balboa 8th. In the Girls Varsity, Lowell won with a combined score of 72. Second place was McAteer, Washington and Lincoln tied for 3rd, Galileo 4th, Sacred Heart/Cathedral 5th. Meet Director Marc Christensen of McAteer declared the meet an unqualified success. Thanks go to the Track Committee comprised of Kevin Adams of Galileo, Julius Yap of St. Ignatius, and of course Sgt. Jim Meyer (TAC), PAL Commissioner of Track and Field.



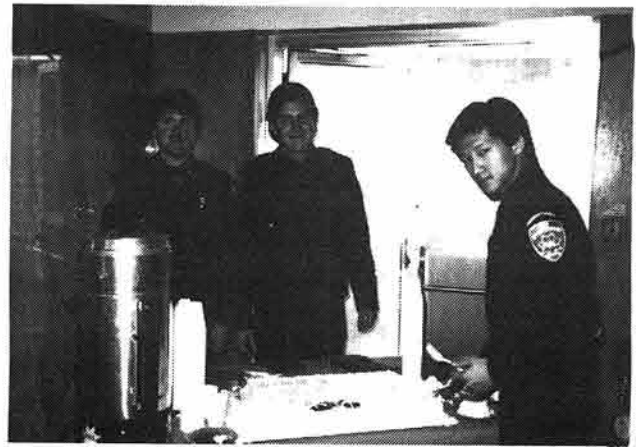
The Frosh/Soph St. Ignatius Track Team also scored first place in their category with identical 118 points in all the track and field events.

CAL PAL LAW ENFORCEMENT CADET ACADEMY A REALITY

The first California Police Activities league (CAL PAL) Cadet Academy is a reality and will be hosted by San Francisco PAL and the California State Police Explorers Cadets. The class, consisting of PAL and Explorers Cadets from throughout Northern California, will meet for eight consecutive Saturdays from April 18th thru June 6th, 1987 at the San Francisco Police Academy. The curriculum will include: Patrol Procedure, radio communication, emergency disaster preparedness, evidence/fingerprinting, investigations, traffic control, community relations, crowd management, drugs and narcotics, criminal and constitutional law, physical training, drill and ceremony, DUI and effects of alcohol on the body, building searches, K-g demos, report writing, and note taking. A formal graduation exercise is also being planned.



The venerable Erv Delman at the starting blocks. Mr. Delman has been with youth sports in San Francisco for over 50 years. We feel he's the real "Mr. San Francisco". Thanks again, Erv.



PAL Senior Cadet Raymond Jew (rt) ready to serve cake and coffee at the recent mass swearing-in of the parking controlmen. Also assisting are (l to rt) Capt. Chris Parente and Lt. Ken Ferrari.

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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Executive Director



March 18, 1987

Sergeant Herb Lee
Police Athletic League
350 Amber Lane
San Francisco, CA

Dear Sergeant Lee:

I wish to express my personal appreciation to both you, Cadet Chris Parente, Cadet Ken Ferrari, and Cadet Raymond Jew for your efforts in making the recent parking control officer swearing-in ceremony such a tremendous success.

It's always a pleasure to be able to depend on the resources within our own department for assistance especially when those involved conduct themselves in such a professional manner.

Sincerely,
JOHN E. WILLETT
CAPTAIN OF TRAFFIC



PAL Cadet Lieutenant David Lazar (left) and CSP Explorers Captain Mike Andraychak with Chief of Police Frank Jordan. The two Cadets will head the CAL PAL Cadet Academy.



California State Police Explorers Captain Mike Andraychak will head the CAL PAL Academy as Commander. Andraychak is shown here with Chief Jordan.

February 9, 1987

Sgt. Herb Lee
743 Peru Ave.
San Francisco, CA 94112

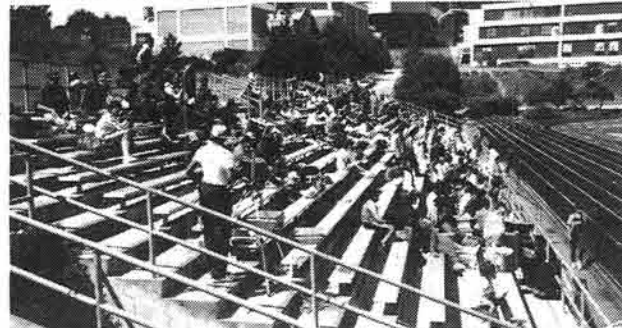
Dear Herb,

Please express our deepest appreciation to the members of the Police Cadets who performed above the "Call to Duty". You are definitely an invaluable asset to the success of our runs!

Sincerely yours,
Alan S. Wong
Executive Director
San Francisco YMCA
Chinatown



Chief Frank Jordan shown being thanked by Captain Glen Dellamonica of the California State Police for hosting the CAL PAL Law Enforcement Cadet Academy at the San Francisco Police Academy.



Part of the more than 350 crowd and participants at the AAA WCAL PAL High School Relays Track Event.



Off duty police officers and volunteer officials include (l to r) Off. Tom Wong, Co D, Lt Mario Tovani (Ret), Steve Watson, Mike Wright, Rick Williamson, Off. Will Battle, Community Relations, Joe Duncan, Sgt. Dirk Beijen, Solos, Off. Joe Clemons, Co D, and Sgt. Herb Lee, PAL posing with the division winners. Not shown in the photo but assisting were: Off. Joe Mollo, PAL President, and George York, PAL Judo Director.



California State Police Officer Paul McIntire (left) with Chief Jordan and Captain Dellamonica. McIntire is the advisor of the CSP Explorers Post.

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