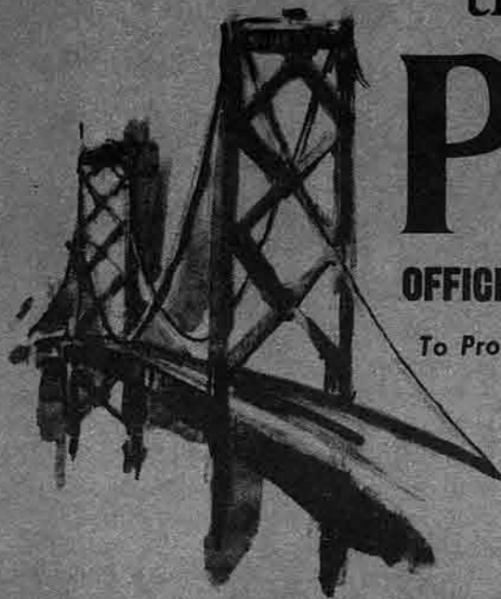


the San Francisco POLICEMAN

OFFICIAL PUBLICATION OF THE SAN FRANCISCO POLICE OFFICERS ASSOCIATION

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



Member of COPS—California Organization of Police & Sheriffs

Member of ICPA—International Conference of Police Associations

VOL. 8

SAN FRANCISCO, NOVEMBER/DECEMBER, 1977

204

NO. 11

RESIDENCY DECISION APPROACHING

by Paul Chignell

Police officers in San Francisco have been battling the residency issue for many years.

Hopefully the final curtain will fall within the next few months as the P.O.A. suit to overturn the five mile limit is brought to a full hearing.

We can reach further back than 1971 to discuss this issue but let's refresh the memories of those who continue to ask questions about the history of this battle.

In 1971 the Board of Supervisors passed an ordinance requiring city employees to live in San Francisco. Those employees who had moved out could stay out and a thirty mile limit was enacted into law.

The 1971 ordinance caused much grief amongst police officers and resentment against an elitist Board grew.

Other public employees throughout the state were experiencing the same problems. Therefore, a united front was presented and Proposition 5 was placed on the state ballot for the November, 1974 election.

Proposition 5 was designed to allow all public employees to live where they chose. The philosophy that carried Proposition 5 was that eight hours pay deserved eight hours work and no other criteria should be forced on labor. Residency was not a justifiable restraint on the labor force.

The voters of this state agreed overwhelmingly. Proposition 5 became a part of the State Constitution. Police officers moved 35, 40 and 60 miles from San Francisco. Other officers moved back to town, out and

back again. The point had been won: an employee should have a choice. Not one shred of evidence had ever been presented that residency affected job performance.

But the good times didn't last long. The City sued the clause in Proposition 5 that stated residency could not be imposed *except* for a reasonable limit.

The City and County imposed a 30 mile limit which was accepted by city employees.

But in December 1976 ex-Supervisor Dorothy von Beroldingen proposed a five mile limit. In committee hearings, ex-Supervisor Robert Mendelsohn sarcastically called for a one-mile limit.

Von Beroldingen got her way and Mayor Moscone signed the ordinance into law.

The five mile limit is not reasonable unless you want to live on a houseboat in the Bay or can afford a home in Sausalito.

The real reason for such a restriction is to keep public employees in their place — to move them about like robots and control their lives because they're so-called public servants.

The San Francisco Police Officers' Association filed suit against the five mile limit as being unreasonable and therefore unconstitutional.

The City has delayed for months but a hearing in Superior Court should be held within a month.

The Association will prevail when the litigation is finished; but the City will certainly try again to impose a residency requirement.

QUOTAS ON THE SAN FRANCISCO POLICE:

A SERGEANT'S DILEMMA

Complete Story starts on Page 4

BOARD OF DIRECTORS ELECTION

President Jerry Crowley has appointed a Nominations Committee to receive the names of those members from the various district and other units who wish to run for a seat on the Board of Directors of the SFPOA. Nominations are presented in December and the election is in January.

Due to shortage of police officers, 1,950 in 1973, as compared to 1,695 today, a change may be due to reduce the number of Directors from 16 to 13, by eliminating one Director each from Traffic, Headquarters, and the Bureau of Inspectors.

There has been some discussion regarding adding a vice-president to the list of officers. A few years ago there was an office of 1st vice-president, but the office was eliminated as unnecessary. However, there seems to be a very good need to fill this office again.

A few other Constitutional changes are expected too, when the Revision Committee finishes its work. Please contact Gale Wright at Co. K or Mike Hebel at the Academy if you have some ideas along these Constitutional lines.

The Nominating Committee is chaired by Bob Barry. Other members are Jack Delmus and Al Benner. Nominations for the respective offices of the Board will be announced at the December General Membership Meeting at the Association Hall, 510 - 7th St. Date and time to be announced later. Nominations may also be made from the floor at that meeting.

If you are a candidate for the Board and would like to use this newspaper to make that announcement, please submit a short resume and a photo of yourself for the Election Edition. Please do this no later than December 20th.

Elections for the President, Secretary and Treasurer are still one more year away. As you may recall, each of these offices are for two years in order to allow time for a program of the President to be completed.

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Recap on Election...

by Gale W. Wright

The SFPOA congratulates ALL winners in the District Election of Supervisorial candidates and in particular the two candidates endorsed by this Association — Lee Dolson and Dan White.



Lee Dolson

The Re-election of Treasurer Tom Scanlon was satisfying too, in that he has been doing a good job for a very long time,



Dan White

and he deserved re-election. His opponent asked some open-ended questions which inferred that Tom might not be doing things right. No specifics, mind you, just inuendos. Congratulations Tom.

The Dental Plan, Prop H, lost by over 30,000 votes. If it can be put on the ballot again, just

maybe it will win.

Prop. J, the Retirement Hearing Officer measure, lost handily and that's good. The present Board of seven members can handle the job without the creation of a new layer of bureaucracy.

The Mayor will now have to devote full time to his office since Prop. E passed over 69,000 votes.

Bob Geary, the Tenderloin cop, worked very hard for his election to the Board of Supervisors from the 7th District. Bob Gonzales beat the Rev. Victor Medearis by just 24 votes, and now I hear there's a call for a recount. Bob Geary got almost 13% of the vote, while Gonzales and Medearis each received just over 29%. Maybe next time, when Bob Geary asks for help, you will respond to his calls. Organization and



Tom Scanlon

helpers never hurt any candidate.

Be alert! There's another election in June 1978. Watch out for that Anti-Strike initiative petition being circulated. First, don't sign it and second, advise your friends not to sign it. That initiative will cut Collective Bargaining right off at the pockets. Better to fight it now and not let it qualify for the ballot, than on the ballot.

Widows & Orphans

The October meeting was called to order by Pres. Mark Hurlley, Wednesday, October 19, 1977, at 2:10 p.m., in the Traffic Bureau Assembly Room, Hall of Justice, with a sufficient number of members present for a quorum.

Treasurer Barney Becker reported the following deaths:

FLURENCE COLLINS — Born in 1906, Red entered the Department in 1932 at age 26. He served in various stations for 5 years, was transferred to Co. K Motorcycle Unit where he served until he retired in 1946 on a disability. He was 71 years of age at his death.

DOUGLAS GIBBS — Born in 1950 Doug entered the Department in 1971 at age 21. He served at Southern Station, Mission Station, being transferred to C.S.T.F. earlier this year. While performing the work assigned to him in this detail he was killed while on duty. Doug had numerous Captain Commendations in his short time in the Department.

ROBERT MC KIERNAN — Born in 1913, Bob was 27 when he entered the Department in 1941. Bob was in the old APB for a short time, transferring to district stations. He was promoted to Sergeant in 1949, a Lieutenant in 1961. As a Lieutenant he worked in Southern, Park and Northern Stations, retiring from Co. E in 1971 on service. In 1946 he received a 2nd grade meritorius, capturing a suspect armed with a knife. In 1964 he received a 3rd grade meritorius, capturing an armed suspect. During other years Bob received several Captain Commendations. He was 63 at the time of his death.

The Secretary reported the following donations:

Mr. & Mrs. W. Simpkins— In memory of Off. Douglas Gibbs

Mr. & Mrs. E. McMurray— For Off. Gibbs

Mr. & Mrs. C. Lowe— For Off. Gibbs

Ms. C. Luick— For Off. Gibbs

Congregation Beth Shalom— For the assistance of members of Co. G during the High Holidays and the all around good work of said members

Mrs. Marjorie Elkus— For recovery of her dog by Off. Cooligan & Duffy

Fred DuBrutz— A retired L.A. policeman. For Off. Dennis Mexiner's work in putting a demolition team in their proper place

Mrs. Ida Edwards— Two donations. One for efficient work done by Offs. Anderson & McGinn of Co. G and the other for efficient work done by Parking Controlperson Renee Marcillac.

Under New Business, Trustee *Sturken* proposed several changes to the Constitution and By-Laws. One would eliminate Patrol Wagon drivers becoming members (there are none now) and clarify language as to who may become members — "None but sworn peace officers of the regular Police Force of San Francisco".

The second change will put the Constitution into proper perspective now that women are eligible for the Force.

These changes in the Constitution, if approved at the November meeting, will be submitted in a mailed ballot to all members in December.

Several changes were read amending By-Laws, such changes correcting By-Laws to allow a longer contract with the Hibernia Bank, Agent-in-Trust for the Trustees, and changing the word widow for spouse, once again to bring the By-Laws into perspective.

The next meeting will be held Wednesday, November 16, 1977, 2:00 p.m. in the Traffic Bureau Assembly Room, Hall of Justice. Nominations will be held for the following offices — TRUSTEE one vacancy, Bro. James Sturken will also be running, his two year term being concluded at this time. Treasurer - Barney Becker will be running as his two year term is concluded and the same applies to Secretary - Bob McKee. There will also be nominations for the office of President and Vice President.

There being no further business to come before the membership, the meeting was adjourned at 3:20 p.m. in honor of our departed Brothers.

Fraternally,
Bob McKee, Secretary

WORSHIP

Neglected, scarcely sought
And by silence
Brought near to naught.
Yet worship still
Its rich incense
Gives forth
A subtle scent,
Perceived by those
Whose souls' sensitivities
In reserve remain —
Not rendered anemic
By a wreckless,
Worldly splurge,
Nor hushed
By the frantic 'busyness'
Of office, club and church.
A still bright light
Burning deep within,
Transcending this earth's
Noise and din,
Its flame
Cleansing the senses
For that upward flight,
Dispelling this life's
Hypnotic day of night —
While all around
A careless world
Lies sleeping.

— Thomas Warren Powers

A memorial for Doug

by Ed Neal
Reprinted S.F. Examiner

Accompanying a check for \$50 made out to the San Francisco Police Fishing Program, the letter was short and to the point.

It was signed by Earl and Dorothy Gibbs, the parents of Policeman Doug Gibbs, gunned down on the streets of San Francisco earlier this month.

"The enclosed check," they wrote, "is sent from us, Doug's parents, as a tribute to our much beloved son. During his early years in the service, he was very much interested in this program."

Inscribed across the top of the check was the notation: "A memorial for Doug."

Chairman L. Jack Block of the Police Fishing Program was overwhelmed by the gift. "We will appropriately name a boat or trip in memory of Officer Gibbs during next year's fishing season, Block said in a letter to Police Chief Charles Gain.

"To think that in their hour of sorrow in the loss of their police officer son they could still remember the fishing program, what it meant to Doug and how strongly he believed in the program certainly means a lot to all of us."

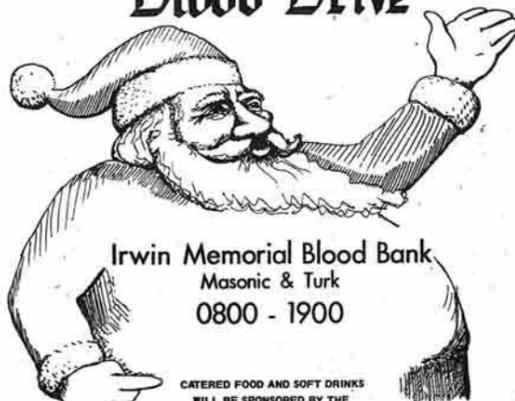
There was another memorial gift received by the Police Department for the Fishing Program. This one came from Helen Neel of Alameda, was addressed to Police Commander August (Gus) Bruneman and said, in part:

"I am enclosing a check in the memory of Police Officer Douglas Gibbs for the Police Fishing Program . . . I think your program is especially important one for youngsters and think all of you deserve a great deal of credit for your contributions and activities."

This past summer, despite a manpower shortage, 5600 boys and girls were taken fishing by the police.

15 DEC 77
San Francisco Police Officers'

Annual Christmas Blood Drive



Irwin Memorial Blood Bank
Masonic & Turk
0800 - 1900

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S.F.P.O.A.

BOARD OF DIRECTORS MEETING —

October 18, 1977

The meeting opened with the Pledge of Allegiance to the Flag. A roll call showed that there were fifteen (15) members present, three (3) absent, and one (1) on vacation, one (1) member resigned. Those absent were Ackerson Co. "H", Hardeman Co. "K" and Carlson Headquarters. Bro. Hebel of Headquarters Co. was on vacation and Bro. Lemos - Bureau of Inspectors sent in a letter of resignation. Brother Casciato motioned that the Association sponsor a National Weightlifting Class and that we donate \$150.00 toward its promotion. The motion was seconded by Brother Toomey. The motion passed by a voice vote.

We then proceeded to the regular order of business. The Secretary's report was approved as printed. The Secretary also read into the record a letter of resignation to the Board from Brother Gary Lemos - Director from the Bureau of Inspectors. Gary was a very active and productive member of the Board. He will be sorrowfully missed.

Brother Ballentine gave a Treasurer's report. During the report, a discussion of Proposition "H" - The Dental Plan, came up. Brother Wright made a motion that the Association spend a maximum of \$3,000.00 toward passage of "H" and that the Association retain control of the expenditures. The motion was seconded by Bro. Patterson. A roll call vote showed fifteen (15) yeas (0) nays. The Treasurer's report was approved as printed.

Brother Wright motioned that the Association apply for a Bingo Permit. This was seconded by Amiot. The motion passed by a roll call vote of (13) yeas and (0) nays.

At this time we lost a quorum and no other official business was conducted.

Joe Patterson
Secretary, S.F.P.O.A.

the San Francisco
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Gale W. Wright Editor

BOARD OF DIRECTORS

| | |
|-------------------------------------|----------------------------------|
| PRESIDENT Jerry Crowley | CO. H Sherman Ackerson |
| SECRETARY Joe Patterson | CO. I Jack Delmas |
| TREASURER Jack Ballentine | CO. K Bill Hardeman |
| CO. A Al Casciato | Gale Wright |
| CO. B Joseph Toomey | HQ Ray Carlson |
| CO. C Layne Amiot | Harlan Wilson |
| CO. D Mike Hebel | CSTF Bill Cahill |
| CO. E Paul Chignell | INSP. BUR. Bob Huegle |
| CO. F Michael T. Gannon | Garry Lemos |
| CO. G Roy Sullivan | RETIRED Bill Hemby |

ASSOCIATION OFFICE 861-5060

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

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WHEN WILL D.A. JOE EMERGE FROM THE COVERS?

by Paul Chignell

The celebrated case against police officers Craig Piro and Bob Rodriguez seems to be long forgotten by our prosecutor Joe Freitas.

But the victims of this ill-conceived prosecutorial shame, and the police officers of this City, will not forget.

More importantly justice continues unserved and D.A. Joe Freitas must be brought to task as each day passes.

Prostitute Janet Phillips committed perjury during the Superior Court trial in front of the Judge and jury. Prostitute Phillips committed perjury in front of assistant D.A. Peter Cling and in front of the spectators in the court room.

But D.A. Joe won't prosecute. D.A. Joe won't make a statement. I suppose D.A. Joe thinks this case will die a natural death. If D.A. Joe thinks this case will be forgotten, D.A. Joe is wrong.

Complete exoneration before a jury of their peers, reinstatement to the department, payment of all back pay during suspension will not erase the bitter memories of a shameful prosecution.

What irks police officers more is the refusal of a District Attorney to prosecute a person who admitted on the stand that she had lied.

But in all honesty, what can we really expect from D.A. Joe and his brilliant assistant, ex-Delancey streeter Daniel Weinstein?

We have seen these amateurs vacillate on the issues, specifically prostitution.

We know the daily problems that working police officers have when faced with D.A. Joe and his staff.

How in the world can we really expect a person like D.A. Joe to come out from under the covers?

November 1979 may be the only opportunity.

PRESS CONSPIRACY REBUTTAL

Al Casciato
S.F. Police Officers' Association

Dear Al,

I read your story about "Press Conspiracy" (SF Policeman, October issue) and must say that I rather doubt there is an organized conspiracy. I do believe, however, that some reporters will go to extreme lengths to get a story into either the print or electronic media; whether for self-gratification or to make things cosy with the boss, I will not speculate.

As another writer pointed out in the same issue of SF Policeman, The Chronicle is sometimes suspect in the above regard. As you know, I was away for several years. Shortly before returning to work here as a police reporter The Chronicle city desk management changed. Since returning to The Chronicle I have been pleasantly surprised to see a change in policy as well.

In the "old days" banner headlines charging COP CORRUPTION, etc., etc. were not unusual. And often the headline had only a few paragraphs to back it up. There have been several allegations of alleged police corruption in the past year but The Chronicle city desk refused to print the charges — even though the information was at hand — until the Grand Jury or the chief of police officially released them.

This is fair, in my opinion. I might say, unprecedent. I agree that the papers often do not allow enough space when the accused officers are exonerated. I personally wish that it were otherwise.

Most of us would rather write a positive story about policemen, but are duty bound, none the less, to also report the negative. The real problem is that the negative stories are easier to come by because it seems that "informants" are always willing to throw dirt. I was very pleased a couple of months ago to get a story about a policeman making a damn good pinch in the Richmond District. A station attendant told me about the incident. If she hadn't, I would never have known.

And that would have been a GOOD story about a policeman gone down the drain.

Regards,
Birney Jarvis
Police Reporter
San Francisco Chronicle

Dear Sirs:

When you are making the point that police officers are being smeared by a few hotshot reporters, or the point that some officers may be bad apples in a good barrel, it doesn't help when you run headlines like PRESS CONSPIRACY, or use terms like MEDIA CONSPIRACY, or blanket statement like NO MEDIA COVERAGE WHATSOEVER. You are guilty of the same thing you're complaining about.

Some cops are bad apples, and some reporters are turkeys, but some of us in the media are on your side, and resent being lumped into the mass, just as some of you in blue resent it.

Not everyone in the media is "agin ye" — please remember that.

Jim Eason
KGO Radio 81

Editor's Note:

Al Casciato used the title "Press Conspiracy". He named the 3 conspirators (Marilyn Baker, Jeff Baker and Dick Nolan) in the first paragraph of his article.

AROUND THE DEPARTMENT

by Al Casciato

... Robbery rate drops for month of October. On October 26th a man attempted to rob the Clift Hotel cashier. Due to some quick action by a hotel security guard and SFPD, the suspect was apprehended on the scene. The report written by the arresting officer was titled "Attempted Armed Robbery". When the report came out of the computer the title read "Warrant Arrest Enroute to Outside Jurisdiction". Officer Fahey, Co. A, advised the Record Room of the error on October 27th and was informed that the title would be changed. A check on the 28th, 29th and 30th revealed that the title still had not been changed. His inquiries to the Record Room were met with the same promise as before. On November 2, the report title still had not been changed and when Fahey called the Record Room he was informed that nothing could be done since the crime statistics for October had already been submitted and could not be changed. Interesting ...

... Every so often the complaint that police officers' addresses are being distributed to unauthorized personnel is heard. The most recent case being the acquisition of two officers' home addresses by a civil subpoena server. Something must be done to stop this easy acquisition of addresses before some criminal-type obtains an officer's address and attempts to influence his job performance by exerting pressure upon his family ...

... How many of you realize that no new unmarked vehicles are scheduled for delivery until July of 1979. But don't you guys on the Bureau and 35 units worry. If you can't find a vehicle in the garage just go up to the academy, Room 15, and borrow Mr. Smith's fairly new Matador, assigned to him and his staff of 3. They are the federally funded ICAP program. (Who by the way are doing a fairly good job.) But do they really need an unmarked police car? ...

... Eunice Elton, who administers the C.E.T.A. program for Mayor Moscone, contends that C.E.T.A. employees have not replaced or filled any civil service positions in the Police Department. If you know different, drop her a line (at the Mayor's office) and send a copy of the note to the P.O.A. for reference ...

... Paul Chignell was recently approached by a member of the department who had a grievance. Paul listened and was elated that it was a sure winner. But when Paul checked the P.O.A. files, he found that the man was not a member and therefore not entitled to representation by the Grievance Committee. Unfortunately Paul had to refuse his request for service ...

... Dave Fontana and Ray Mullane (SCU) were recently having dinner with their wives at Ray's home when into the house burst a huffing, puffing young woman. She related to them that she was being chased by the "Cops" and why. She went on to say how she had eluded the "cops" and if they would hide her. Ray began to giggle as he reached into his roll top desk and retrieved his cuffs. The woman almost fainted as Ray and Dave identified themselves and placed her under arrest ...

... Mark your calendar for May 6th and 7th 1978. The Junior National Weightlifting Championships will take place at the San Francisco Hotel. The P.O.A. will be sponsoring the 220 lb. class and hoping that one of our members wins that class. Steve Gough (SCU) is one of the head AAU officials who will be putting this event together. Remember some of the people you'll see lift in May will be going to Moscow in 1980 ...

... Al Barron and Ed Casazza, Co. B were recently interviewed by the IAB (re a minor accusation). At the conclusion of the interview the investigator stated to them, well I can't do any more with this case. The complainant, a 6th Street derelict, has been dead for 6 months ...

... Everyone talks about the rules and procedures of the department but has anyone seen a copy in the last 5 years? Well, if my memory serves me right, the true and accurate copy of the rule book is suppose to be kept in the Police Commission office. According to the rules. Correct me if I'm wrong ...

... While on a stakeout recently, I overheard one cab driver tell another "Don't worry about the city cops. There aren't enough of them to catch us." Referring to traffic laws. With that attitude so blatant, no wonder insurance rates are climbing for the city. And doesn't the green book say that as the crime rate climbs, so does the traffic rate. Oh well, do the city fathers really care?

... The media fully covered the now infamous raid on Needle Row by 30 officers. But no where was there mention of the 17 drug arrests made by George Cima and Walter Scott, Co. A in Union Square in one 2 hour period ...

KELLY-MOORE PAINT DISCOUNT CARDS

by Gale W. Wright

Would you like 25% off on your paint purchases? Of course you would. Kelly-Moore Paint Company, who has advertised with the POLICEMAN in the past, now has a super deal for all SFPOA members. You can get 25% off on your paint purchases if you use their new Discount Card.

We asked for 1,000 cards and now we have them at the SFPOA office, 510 - 7th St. Just come on by and we will be glad to give a card to any member. Our hours are 0830-1600, M-F.

I get a lot of kidding from the officers at Park Station regarding some of my endorsements, "I have used product so-and-so, and found it to be excellent", but I just have to do it again.

I have been buying Kelly-Moore paint for the past 15 years or so and it is Excellent. And now, the Discount Card makes it even better. Try it. You'll like it.

They have two stores in San Francisco: Oak & Divisadero and 26th & Valencia, plus other stores throughout the Bay Area.

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BEV McDOWELL, (415)457-0532 or (415)883-2424 for details. SFPD affiliation for 24 years!!!



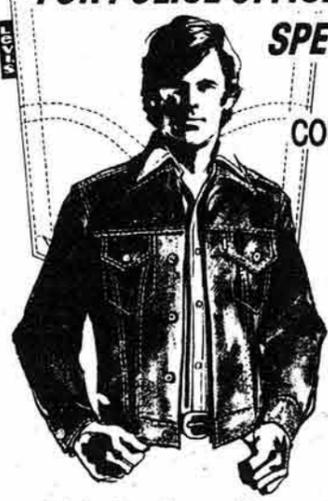
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QUOTAS ON THE SAN FRANCISCO POLICE: A SERGEANT'S DILEMMA

by Anthony J. Balzer San Francisco Police Force

CAVEAT by Ron Vernali

The following article was written in 1974; it was recently submitted to the Editorial Board of the Public Administration Review (PAR) Journal for publication.

The significance of this article first lies in the fact that it is, in my view, the most thoughtful analysis of what has become an aggravated and continuing problem and, secondly, it should be noted that it is the first time the PAR Editorial Board has published an article submitted by a first-line police supervisor.

Administrators, self-interest groups, attorneys, judges, etc. have all looked for problem solutions with expeditious short range goals. In telescoping their prescriptions, the common failure has been to provide a vital, equitable and consonant system of personnel selection and promotion for all candidates.

No matter what your views, Sgt. Balzer thoughtfully lays out the probable enduring consequences that the so-called short-run remedies have left us with.

I urge all of you to read thoroughly and then contemplate the future . . .

The San Francisco Police Department (SFPD) has had more than its share of controversy and publicity recently between its involvement in the Zebra Case, the Patty Hearst-SLA Case, and the unprecedented police and fire strike of August 1975. But my concern in this article is with a somewhat less publicized controversy: the on-going struggle to obtain court-ordered quotas of minority group members in SFPD hiring. Though perhaps less sensational than random street shootings and political kidnappings, quota hiring presents social and economic issues that directly affect most medium and large-sized employers today. Hence, I would like to share some of the SFPD's experiences with quota hiring, and present some of my own reactions to them.

The Setting and the Ruling

The SFPD's involvement with quota hiring began in April 1973 when Public Advocates, Inc. (a non-profit law firm funded by the Ford Foundation to litigate class action suits in the "public interest"), brought a civil rights suit in the U.S. District Court, Northern District of California, against the San Francisco Police Commission and the San Francisco Civil Service Commission.¹ The Court was asked to enjoin further use of the SFPD's entrance examination (consisting of multiple choice questions intended to measure the applicant's aptitude and intelligence) and the SFPD's promotional examinations for sergeant, lieutenant, and captain (consisting of multiple choice questions intended to measure the applicant's ability to memorize a given body of materials felt relevant to the particular level in question). The Court was also asked to impose specific quotas of minority group members on all hiring at the entrance and promotional levels, and to monitor directly the construction and administration of any new examinations that might be proposed. The plaintiffs prevailed in both of their requests. On November 23, 1973, Judge Robert Peckham announced a preliminary decision prohibiting further use of the written tests for patrolman and sergeant. He also ordered specified quotas to be placed on all hiring at the patrolman and sergeant levels until a representative number of minority group members was attained. Because adequate data was not yet available, no quotas were ordered for the lieutenant or captain levels. And the Court retained direct supervision over the whole case.

On May 2, 1975, Judge Peckham modified his preliminary decision by abolishing the original quotas of ethnic minorities, and by ordering that an experimental quota of 60 women be hired as police officers at a ratio of 15 women per 60 member class of recruits. This modified decision was based on the new results produced by a newly developed entrance examination. And as this article is being written, the second group of 15 women officers is just completing recruit training and "hitting the streets."

The Parties and Their Interests

Just who are the parties behind this suit, and what are their reasons for bringing suit? Actually, neither of these questions is as simple as first impressions might suggest. Among the plaintiffs named in the suit are the Officers for Justice, the NAACP, the National Organization of Women, and others.² These plaintiffs, represented by Public Advocates, Inc. attorneys, seek to represent a class composed of:

. . . all those Blacks, Latins, and Asians . . . and women who i) have failed either in entry-level or promotional examinations promulgated by the Civil Service Commission and the Police Commission for a position in the San Francisco Police Department and are fully qualified therefor, or ii) may become eligible to take such examinations to be given in the near future, or iii) have passed such examinations but have not yet been appointed to the position applied for, or v) have been eliminated from contention for the position of sworn officer by reasons of certain biased elements in the applicant screening procedures of the Civil Service Commission and the Police Commission or their delegates, or vi) will in the future be subjected to any of the discriminatory treatment alleged . . . or vii) have in the past been dissuaded or discouraged from even attempting to join the department due to the discriminatory reputation of its selection standards, devices, and practices, or viii) have been discriminated against in assignments, choice of duty, or other incidents of employment, or ix) who as a result of the above-detailed practices and their exclusionary effects are deprived of protection and safety in minority neighborhoods equal to that available in non-minority areas. (The numbering here is the Court's.)³

The plaintiffs' basic interest, therefore, was jobs. But how does this proposed class relate to the population of San Francisco as a whole? The Census Bureau predicted that by 1975, 51 per cent of San Francisco's population would be composed of ethnic minority group members.⁴ The Census Bureau definition of minorities does not include women (who are included in the above litigation class) or the large group of homosexuals who reside in San Francisco (whose inclusion in the above litigation class has been proposed). But even without homosexuals, the minority groups now represented in the above litigation class together constitute a clear numerical majority of San Francisco's population today. Of course, the Court does not use the term "minority group" in reference to the numerical strength of the groups in question, but rather to the socioeconomic status of the groups members. And in arbitrating disputes over what criteria define a minority group and who should be considered members of those groups, the Court chose to rely on the large, semi-autonomous Equal Employment Opportunities Commission (EEOC), which operates through its own rule-making and adjudicative machinery.

Meanwhile, as defendants in this case, the SFPD and the Civil Service Commission found themselves in a dilemma when the Court issued its preliminary injunction and order (November 23, 1973). On one hand, they were enjoined from using their old examination system to hire and promote; and any new examinations developed to take their place would have to secure Judge Peckham's approval, based on rigorous EEOC validation criteria. On the other hand, the defendants were faced with a pressing need to hire new patrol persons and to promote new sergeants. This lawsuit had caught the defendants with their "empirical pants down." No comprehensive job analyses had been completed within the SFPD, little conceptual work had been done to develop a tangible model of what constitutes "good police work"; and no serious attempts had been made to validate existing civil service examinations by modern empirical methods. This is not intended to disparage the SFPD or the Civil Service Commission for not having done these things; their reasons are both understandable and compelling.⁵ But there should be no surprise that these defendants were unable to demonstrate the validity of their written tests within the eight months leading up to Judge Peckham's preliminary decision. Only now is some of the necessary conceptual and empirical work being completed.⁶ And it seems likely that had his lawsuit not been filed, many of the basic issues brought out in this case would still be festering beneath the surface of conscious debate, building up to a considerably more violent form of expression at some point in the future. When seen in this light, the Public Advocates, Inc., suit is indeed in the public interest — we should face these issues now.

From the outset, the parties comprising the defense in this case agreed to endure necessary hardships and

take necessary initiatives to preserve existing screening standards. This agreement probably reflected some elements of emotional conservatism, plain self-interest, and perhaps even racism. But these elements are present to some degree in all of us. And many of the defendants could have benefited individually by merely "accepting" the Court's preliminary decision rather than actively questioning and opposing it. Even the San Francisco Police Officers' Association, a traditionally divided and bickering group, promptly unified and assessed each of its active members \$50 to help defend this case. In short, a deliberate, unanimous commitment emerged to support at least some standards of merit in the screening of SFPD applications and promotions, even though the sought-after "merit" and "standards" would undoubtedly be tough to define, measure, and predict.

The Applicable Federal Law

The importance of developing adequate conceptual and empirical justifications for whatever screening devices may be utilized is vividly brought home by a look at the emerging body of federal law related to job discrimination. Lt. Richard Treub, Officer in Charge of the SFPD Legal Office, has traced the development of this body of law from the passage of the Civil Rights Act of 1964 (particularly Title VII, which is addressed to discrimination by large private employers) through the signing by President Nixon in March 1973 of the "Affirmative Action Amendment," which extended this body of law to encompass job discrimination by federally funded public employers as well.⁷ The logic of this law, as currently applied by federal courts, proceeds roughly as follows:⁸ First, the aggrieved plaintiffs must demonstrate the "fact" of adverse discrimination in hiring or promotions based on their race, sex, or national origin. Such discrimination may be shown to operate either *de jure* (by law) or *de facto* (in fact). This then establishes a *prima facie* case for the plaintiffs, and a heavy burden of proof shifts onto the defendants to demonstrate the "validity" of their screening devices; that is, that their screening devices are reasonably related to the employment positions in question. If the defendants fail to meet their burden of proof, the court may then exercise wide equity powers to prevent further discrimination and to compensate the plaintiffs for past discrimination suffered. Typically, the courts have exercised their equity powers in the form of preliminary injunction and imposition of hiring quotas.

In the present case, the plaintiffs established their *prima facie* case of *de facto* discrimination by means of statistics. They showed, for example, that while only 9 per cent of the SFPD's 1970 sworn personnel were correctly classified as minorities, fully 43 per cent of San Francisco's population at large were minorities. In like manner, the plaintiffs showed that whites passed the SFPD entrance examination from 1969 through

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This article was originally prepared for a graduate course in public administration at Golden Gate University, San Francisco. It attempts to trace the immediate history of the particular lawsuit in question, to spell out some of the issues raised therein, and to place the lawsuit in a broader social perspective.

Many recent conditions and events have combined to increase competition for police (and many other public service) jobs. Minority group members, however one wants to define that term, are often statistically misrepresented in these desirable jobs. But the currently popular "remedy" for minority misrepresentation, quota hiring, is actually a perversion of the legitimate principle, "equality of opportunity," into what the author sees as an illegitimate principle: "equality of results." While the case at hand relates specifically to the situation in the San Francisco Police Department, the author hopes the reader will see immediate parallels to his or her own functional area.

The views expressed in this paper are those of the author, a lower-level line supervisor in the SFPD. They do not necessarily reflect the view of the SFPD as a whole.

Quotas on the San Francisco Police *continued...*

1972 with a frequency of more than five to one over minorities; and that whites passed the 1971 sergeant's examination with a frequency of over three to one over minorities. These statistics, in themselves, were held to establish a *prima facie* case for the plaintiffs.¹⁰

At this point, the burden of proof shifted to the defendants, who were not, as I have pointed out, adequately prepared to demonstrate, by approved empirical techniques, their tests' validity. The Court's adopted standard of proving validity was taken from EEOC guidelines listed at 29 CFR Sect. 1607(c):

Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which the candidates are being evaluated.¹¹

As broken down by the Court, these EEOC guidelines permit validation by one of two processes. The first of these, predictive validation, requires substantial evidence that "... there is a correlation between a candidate's performance on the test and his actual performance on the job."¹² This, it should be noted, is essentially a form of post-validation. The second permissible procedure, content validation, demands "... a detailed analysis of the requirements of the job and the translation of that analysis into carefully formulated test questions."¹³ The Court held that the present defendants did not adequately validate their entry-level examination or their promotion-level sergeant examination by any acceptable form of validation. But at this preliminary stage, the Court did not decide whether predictive validation (the higher standard of proof) alone would meet the defendant's burden of proof. Predictive validation is generally required in cases brought under Title VII of the Civil Rights Act of 1964; the present case is brought under the Equal Protection Clause of the 14th Amendment and the Civil Rights Act of 1871.¹⁴

A Defense Counterproposal

Realistically assessing their position at the time this suit was first filed, the defendants promptly embarked on a somewhat belated twofold counter-proposal. First, a new entrance examination was developed based on a pair of detailed professional job analyses; one relating to the psychological aspects of police work, the other relating to the physical aspects of police work. Second, the San Francisco Police Officers' Association hired the California Selection Consulting Center, a state agency formally recognized by the Court, to post-validate scientifically the old promotional examinations.

At this point, a look at the two job analyses supporting the new entrance examination would be useful. The first study, relating to the psychological aspects of police work, was conducted by Dr. Richard Shavelson of Stanford University and Dr. Leonard Beckum of the SFPD Personnel Unit.¹⁵ It employs a concept called "criterion sampling." This means that applicants are evaluated by how well they perform certain elements or tasks selected directly from what a patrol person actually does on the job. The examination derived from this concept employs not only samples of written reports and forms used daily by SFPD personnel, but also a creative application of audio-visual simulations of relevant patrol situations. Of course, there are practical limits to the degree of realism attainable in testing sampled criteria of actual patrol work: cost limits, time limits, danger limits, and others. Still, this new testing concept does provide some answer to the challenge of job-relevance.

The second study, relating to the physical aspects of patrol work, was conducted by Dr. Frank Verducci of San Francisco State University.¹⁶ This study is very similar in basic methodology to the Shavelson-Beckum study. It seeks to identify actual physical tasks regularly performed on the job and to break these tasks down into specific movements and techniques. Here, again, the emphasis is on job-relevance.

Some Progress, But Much Still Left To Do...

The initial application of the new entrance examinations produced a passage ratio considerably more favorable to all participating minorities, with the exception of women, most of whom could not meet certain strength criteria identified in the Verducci study. In response, the plaintiffs claimed that the disqualifying strength criteria were not essential to the performance of police work — at least as it should be performed today. They stressed the alleged superior ability of most women to empathize and to persuade in adverse situations, thus obviating the need for resorting to physical force. Now my own experiences in the SFPD cause me seriously to question the practicality of the

plaintiffs' contentions here — but my own experiences reflect a basically conventional view of police work. Who is to say that the community does not want a more "humane" and less "aggressive" interpretation of the police role in society? And who is to say that most women cannot in fact do the job as it is now usually interpreted? Both of these questions, it seems to me, are legitimate topics for further study.

The Shavelson-Beckum and Verducci studies are serious innovative steps in the right direction. But they possess one potential flaw in relation to the present suit: they are both essentially examples of content validation. And the Court may still decide that only predictive validation will suffice to meet the defendants' burden of proving their tests' validity. Such a decision by the Court would be unfortunate: it would effectively preclude the defendants from designing their own examinations to meet their own specific needs. Instead, they would be forced to obtain examinations already pre-validated by some outside agency. For predictive validation requires that a detailed comparison be made between an applicant's performance on the test and his subsequent performance on the job. And if you cannot administer a particular test because it is *prima facie* discriminatory, how can you measure the subsequent job performance of those who might pass that test? It is my hope that some empirical data will soon become available for predictive validation purposes from a careful monitoring of the relative job performance of the 60 women ordered hired by the Court under relaxed entrance criteria.

Some Side Effects, and My Personal Reaction

Meanwhile, as a practicing sergeant of police, I do not pretend to view the SFPD's present position without feeling certain basic concerns; some purely selfish, other mainly professional, and most of them shared with the rest of the SFPD. The SFPD is now at least 150 members below its normal operating strength. Each individual member's share of the total workload has proportionately increased. The personnel shortage is felt most severely at the district stations among the ranks of uniformed patrolmen working night shifts. These are perhaps the least congenial jobs in the SFPD, but they contribute, in my estimation, the most important and productive services the SFPD has to offer. The attainment of overall SFPD objectives is threatened, vacations, days off, and requested intradepartmental transfers must be postponed or cancelled. Patrolmen are often required to assume sergeants' responsibilities. Promotional opportunities are at a standstill. The generally popular traditional system of determining merit — open, competitive, objective civil service examinations — is now attacked by a powerful coalition of minority groups as discriminatory in both intent and effect, and as a totally unreliable predictor of desirable job-related qualities of competing candidates. And the long-established practices, values, and social integration of the SFPD itself are now threatened by the impending influx of over 150 new police persons who constitute an "unknown quantity" in terms of their attitudes, motivations, and abilities.

Therefore, for me and for many others both inside and outside the SFPD, more is at stake in this lawsuit than merely opening for disadvantages minority group members a fair opportunity to secure desirable SFPD jobs and promotions. (Although I do not mean to deny that this last objective is valid and important). Implicit in this civil rights attack on the civil service merit system is a more fundamental challenge of exactly what "merit" means or should mean when applied to police work. For if the existing standards of selection and promotion are to be impugned and discarded, what is to take their place?

Are Quotas the Answer?

If we assume, for the sake of argument, that quota representation of all minority groups in the SFPD is a desirable public policy goal, we are immediately faced with an array of tough practical problems.¹⁷ First, we must decide who is a minority group member and who is not. In this area, the EEOC's arbitration efforts produced some rather arbitrary results — an apparently unavoidable situation. It was decided for example, that policemen claiming American Indian ancestry were not minority group members unless they could demonstrate at least 1/4 Indian blood and adoption of an essentially "American Indian lifestyle."¹⁸ And myriad similar problems are immediately suggested: At what point does a person of Chinese ancestry become a minority group member: 1/8 Chinese blood? 1/16 Chinese blood with a Chinese

accent? Does it make any difference if the prospective minority group member's parents earn over \$30,000 a year?

Second, we must somehow reconcile some individuals' concurrent membership in more than one minority group with our hypothetical scheme for calculating representation. For example, how should we "count" a black woman with a Spanish surname? And once we have decided how to "count" her, do we then grant her **threefold** preference in our quota system? Whatever we do in these regards, we cannot avoid being somewhat arbitrary.

A third problem in establishing a quota system lies in deciding what geographical unit to adopt as our basis for calculating minority group distribution. Should it be a neighborhood? — a city? — the whole state? Serious arguments could be advanced in behalf of any of these units; and the outcome of our decision here would directly affect how we set up our quotas.

And a fourth problem lies in defining the minority groups themselves. Why should we restrict our definition of minority groups to include only those groups exhibiting certain racial, ethnic, and sex characteristics? Why not expand our definition in order to provide quotas for groups characterized by certain political and religious beliefs as well? This last question seems difficult to ignore if you accept the general principle of minority group representation from the beginning. In fact, all four of these problems just mentioned must be confronted if a rational system of quotas is to be developed.

But the next question then arises: what is expected to be gained by imposing minority group quotas on SFPD testing procedures? The plaintiffs claim that five general benefits would accrue — all of which were formally adopted into the Court's preliminary decision. First, quotas are expected to nullify unlawful discrimination in SFPD testing practices. Second, quotas are expected to compensate injured minority group members who have been victimized by past discrimination in SFPD testing. Third, the attainment through quotas of greater racial, ethnic, and sex balance throughout the SFPD would theoretically make the SFPD more "sensitive" and effective in dealing with unique, pressing minority group problems. Fourth, quotas are expected to provide valuable job and promotional opportunities for deserving minority group members. And fifth, quotas are expected to facilitate increased direct minority group participation in SFPD decision making, and thereby reduce destructive minority group frustration and hostility directed at the SFPD and at civil society in general. Hence, in the plaintiff's logic, greater social harmony would be attained throughout the whole city.

Now whether all of these five proposed benefits would in fact accrue is purely a matter of speculation: however, I have definite misgivings about each of them. First, I am bothered by the term "unlawful discrimination" when used to describe SFPD testing procedures. The Court has held that the de facto discrimination proved statistically by the plaintiffs resulted from neither deliberate legislative intent nor from conscious design in the administration of a neutral statute. In fact, before the "Affirmative Action Amendment" was passed in 1973, there was no general legal cognizance of de facto discrimination in municipal police testing. And the de facto discrimination established in the present case is "unlawful" only because the tests in question have not yet been adequately validated by demanding EEOC standards. Hence, what we really have here is a situation in which an established civil service testing system which unintentionally favors whites over minorities is suddenly made unlawful in 1973 by the passage of a federal law. Curiously, however, current post-validation efforts may soon prove the whole system to be lawful again. The standard of "legality" seems rather ambiguous here; and this ambiguity relates directly to a point I shall attempt to make later.

Second, I am bothered by the idea of using quotas to compensate minority group members for past discriminations suffered. Assuming that unfair discrimination can be established in the first place, it seems arbitrary to set up a whole ambiguous class as the intended beneficiary of compensatory efforts. The particular minority group members who actually suffered the discrimination may not be the ones who actually reap the benefits of preferential hiring and promotions.

Third, I have doubts about the practicality of using quotas to attain greater SFPD sensitivity toward minority group problems. While some increase in police-minority empathy probably would result, there are countervailing disadvantages that probably would

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arise also. For no matter how "fair" and "justified" court-ordered quotas may appear with respect to some mythical "objective" standard, they are bound to produce almost universal resentment throughout the SFPD. Any sudden change in the existing system of allocating jobs, assignments, and promotions would have this effect. For the existing civil service system must be seen as the product of over 40 years of debate, experience, and legitimizing. And the imposition of preferential quotas would be particularly resented due to their perceived arbitrary racial nature, and because of their origin in the courts which are themselves summarily distrusted by many policemen from the beginning. Hence, while some desirable sensitizing probably would occur, considerable undesirable sensitizing would also possibly occur.

Fourth, I have misgivings about using quotas as a means of securing desirable SFPD jobs and promotions for minority group members. Certainly, many deserving minority group members would benefit from increase opportunities for SFPD jobs and promotions. But for every deserving minority group member who is provided a job or promotion through preferential quotas, there is also a deserving non-minority person who is thereby deprived of a job or promotion. What we accomplish here is to substitute one form of discrimination for another. And what is the new basis for discrimination? The taxpaying community, it seems to me, is entitled to the services of the most qualified police candidates and supervisors, whatever "qualified" turns out to mean. But to focus primarily on a candidate's race, ethnic background, or sex — ascriptive criteria over which the candidate has no control — is to deemphasize that candidate's own relative abilities and his total worth as an individual. It short-changes not only the community (in the potential reduction of individual excellence in its public servants) but the alleged beneficiary as well. For he is promptly labeled as unable to survive on his own merits; he is resented and distrusted by his co-workers; and he may in fact be unable to meet his new responsibilities. He is, in short, "alienated."

And fifth, I have misgivings about using preferential quotas as a means of facilitating increased minority group participation in SFPD decision making. My argument here is not effectiveness; quotas would undoubtedly increase minority representation throughout the SFPD's decision making structure. They would also probably co-opt some portions of the minority communities. And both of these objectives are certainly desirable. But I would argue that quotas are perhaps the least desirable means we have available for attaining these goals. For quotas, again, alienate the intended beneficiaries, produce potentially inferior police services, and incite divisive resentment within the SFPD. Much of what might be gained through increased minority group participation and co-optation may well be tragically lost through the negative side effects of the quotas themselves.

The Lawsuit in Broader Perspective

Digressing briefly, I would now like to suggest a broader social and historical perspective for viewing this lawsuit. Three interrelated factors appear to have particular relevance: our inability as a polity to define what we mean by "equality," our tide of rising expectations, and the emergence of a relatively new socio-political concept, "neoliberalism."

Two Conflicting Models of Equality

Parties on both sides of this civil rights suit sincerely claim to champion the cause of equality. Their respective positions on this issue implicitly reflect a broader on-going struggle for dominance in all of our social institutions between two ostensibly conflicting models of "equality": "equality of opportunity" and "equality of results."¹⁹ The "equality of opportunity" model emphasizes facilitating individual achievement and self-actualization. It admits that some socioeconomic inequalities will probably result when individuals possessing different natural physical abilities, mental abilities, and "luck" all take off from the same "starting line" in competitive pursuit of optimum wealth, power, and prestige. But these resulting inequalities are themselves valued as incentives for greater individual productivity and self-improvement. And while successful competitors do indeed obtain a larger share of society's rewards than the "losers," everyone gains in the end due to an absolute gain in the total rewards available for distribution. The role of government is viewed as guaranteeing that the competition proceeds fairly; that the "rules of the race" are observed equally by all.

On the other hand, the "equality of results" model emphasizes a uniform distribution of society's rewards without regard to individual qualities or achievements. It contends that no one individual is any "better" or "more deserving" than any other; that the present social competition proceeds unfairly (either by design or by circumstance); and that the competition itself is often corrupting to the "winners" and demoralizing to the "losers." And the end product of this unfair competition — an unequal distribution of wealth, power, and prestige — produces social resentment, conflict, and destructiveness. Consequently, the role of government — indeed the duty of government — is viewed as ensuring that each member of society, regardless of his social condition, is provided a share of society's rewards equal to that of every other member.

Of course, neither of these two models of "equality" adequately describes American society today. And although they appear antagonistic, they are more likely complementary than mutually exclusive. Still, there are unmistakable reflections of both models in the arguments of our present plaintiffs and defendants; and a final decision in this case to impose quotas would be an implicit application of the "equality of results" model. Such a decision, as an examination of our two models will readily show, has socioeconomic implications of which we should be aware.

Our Tide of Rising Expectations

A second factor with direct bearing on the present lawsuit is our tide of rising expectations. Irving Kristol describes this phenomenon as follows: "To see something on television is to feel entitled to it; to be promised something by a politician is to feel deprived of it."²⁰ And Kristol goes on to describe the way in which "felt deprivation" is often expressed:

... there is mounting irritability, impatience, distemper and mistrust. Each individual and every organized group (racial, economic, professional, etc.) seeing no justification for self-discipline — indeed holding the idea of self-discipline in a kind of contempt — calls for greater discipline to be exercised against the rest.²¹

Now it seems reasonable that all of the negative feelings described above would be experienced most intensely by minority group members, who are reminded daily through a variety of media of the gaping disparity between their own meager share of society's rewards and that of their more fortunate neighbors. This brings us back to the matter of SFPD jobs.

A logical first step toward securing a greater share of our society's rewards is to obtain a good job. And while some minority group members might feel a bit uneasy about entering police work, there is a great deal to recommend it today: good starting pay, good job security, challenge, excitement, and an opportunity to help directly alleviate many pressing social problems. The press, television, and the movies have helped make police work more attractive by creating a romantic new image for the police person — an image that includes minority group members; "Christy Love" (Theresa Graves), "Mr. Tibbs" (Sidney Potier), and "Pepper Anderson" (Angie Dickenson), just to name a few. At the same time, there is a growing shortage of jobs throughout the economy as a whole. All of these factors have combined to convert many minority group members' efforts to improve their position in society into efforts to obtain SFPD jobs.

But minority group members are not the only ones who have been feeling unemployment and responding to the call of SFPD jobs. Increasing number of non-minority persons have been making this move too. And many of this latter group have enjoyed the advantage of varying levels of college education. Hence, competition in civil service examinations (which have traditionally emphasized verbal skills) has increased; and the minimum passing scores have been pushed upward; not from a deliberate intent to discriminate against minority groups, but from a need to discriminate, period. Every applicant cannot be given an SFPD job; there simply aren't enough to go around. And the established means for resolving the competition is the civil service testing system.

Increased competition for SFPD jobs and a higher cut-off score on civil service examinations have produced two general effects. First, the SFPD has been able to hire and to promote an increasing number of college-educated middle class candidates — a phenomenon encouraged and acclaimed by many as a step toward more professional police services.²² Second, it has become increasingly difficult for many less educated minority group members to gain entry into the SFPD — a phenomenon which frustrates their rising expectations and adds to their already mounting irritability, distemper, and mistrust. Hence, a basic

"trade-off" is suggested between higher "standards" for police work and greater minority group employment. I shall return to this issue later.

Meanwhile, where is much of this minority group hostility directed? Right at the "gatekeeper," the civil service testing system. In early 1972, San Francisco voters approved a municipal charter amendment which placed the Civil Service Commission in control over virtually all major paths of advancement in the SFPD. This promptly brought the Officers for Justice into the fight.²³ For it eliminated the practice of patronage appointments to the detective division — a practice that had produced many minority group promotions in the past. And what was substituted was a highly competitive system of written examinations which the OFJ felt would not benefit their interests. Hence, this present lawsuit was initiated.

Neoliberalism

A third social factor with direct bearing on our present lawsuit is the development of a socio-political concept termed "neoliberalism:"

It is liberal in that it is still based on the Lockean belief in society as a congeries of special interests all seeking their own private gain and in that it regards economic growth as the major source of human motivation. It differs from traditional liberalism, however, in that the competitors for power and profit are now no longer individuals but organized groups: industrialists, farmers, workers, professions, churches, educational and scientific communities, ethnic groups, and so on.²⁴

Of course, the idea of organizing to attain political power is not new. But what does appear to be new is the degree to which we tend to define and express almost all of our political demands through the particular groups with which we identify. And these groups are increasingly defined along lines of sex, ethnic background, and occupation.²⁵ We tend to view ourselves less as individual consumers of society's rewards than as group consumers; less as "I, an American" than as "we, women Spanish American students." The reasons for this development probably lie deep in the dynamics of our crowded, interdependent, competitive, mobile society. But whatever its causes, it is real; and it has implications. It explains much of the logic behind class action suits and the demand for minority group quotas.

The End Result of Our Three Factors

But class action suits and a demand for minority group quotas reflect more than a neoliberal outlook; they also reflect a basic snag in our political system itself. Our inability to reach consensus over what "quality" should mean in our society — our popular ambivalence — has "paralyzed" our political branches of government. Indeed, how can the politicians "respond" if the voters do not know what they want? Nor have any of our current batch of politicians — for whatever reason — displayed sufficient leadership and "guts" to organize a consensus capable of breaking this deadlock. Consequently, basic equality issues usually cannot be resolved with respect to deliberately formulated legislative guidelines; such guidelines either don't exist or they aren't clear enough to be of much practical use. Hence, these basic equality issues are usually left alone until they reduce themselves into specific and immediate cases suitable for judicial resolution — if they are to be resolved by formal civil means at all.

On the other hand, many federal courts have recently combined on "equality of results" ideal with a "neoliberal" logic in accepting jurisdiction over class action suits at a point, in my opinion, far before they reach sufficient specificity and immediacy for appropriate judicial resolution. What the courts are doing here is dealing with broad classes of parties and general social issues. Their decisions in these cases then assume the effect of new law covering similar conflicts under similar situations. Now to act in this manner is to function as a legislative body — but without the traditional widespread public input, without the direct popular accountability, and without the broad expertise and perspective of the duly constituted legislative body.²⁶ Admittedly, courts are occasionally "forced" into this role by a default of the regular legislature; but it is still a practice that should be minimized. The product of such ad hoc legislation is a public policy characterized by inconsistency, unresponsiveness, and a lack of expertise.

Conclusion and a Proposal

Finally, where does all of this discussion leave us? The most immediate problem presented by this lawsuit is the need to reconcile two apparently conflicting

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goals: (1) the maintaining and even raising of standards of excellence in the performance of police services; and (2) the hiring and promoting of more minority group members in the SFPD. I accept both of these goals as valid. But I do not feel that preferential quotas are the best means available to us for attaining these two goals. Quotas are arbitrary, degrading, alienating, resented, and largely self-defeating. But is there an alternative to quotas? I believe there is. And some positive innovative steps have already been taken in this direction.

What I would propose consists of six steps. First, conduct a detailed job analysis, using approved empirical techniques, to identify personal attributes and abilities required for the performance of police work as it is now practiced in the SFPD. Two, devise a scheme for measuring those attributes and abilities in competing candidates, again using approved empirical techniques. Three, to the extent that interested minority group members cannot initially meet the minimum criteria for qualifying, conduct an SFPD-sponsored training program, free to both minorities and non-minorities alike, to help these parties overcome their initial deficiencies. Four, engage in a vigorous program of minority recruitment, tempering the "pitch" with a realistic assessment of what will eventually be required to succeed. Five, expand the Cadet Program (a kind of apprenticeship program) to provide interim part-time employment in the SFPD while candidates are developing qualifications required for full-time employment as police persons. And six, engage in a continuing process of post-validating all examinations for "predictive validity."

But even if all of these proposed steps are faithfully followed, there is one glowing flaw in the whole scheme: it sidesteps the normative issue. Everything is based on a description of how police work is now being practiced in the SFPD, ignoring the issue of how police work ought to be practiced therein. In the last analysis, all arguments about what it takes to become either a police officer or a sergeant fall flat without reference to some ideal model of what constitutes "good police work."

Hence, if the above selection scheme (or any other proposed selection scheme) is to attain popular legitimacy, it must be expanded to include some concept of ideal police work — a concept that is shared and generally accepted throughout the community to be served. But as this present lawsuit has made devastatingly clear, we do not, at the present, have such a concept. What we have is an old civil service merit system that is "vulnerable," in Irving Kristol's words, "for no other reason than it exists — and because the citizenry no longer feels any particular responsibility for its existence, any instinctive obligation to sustain or even reform it."²⁷ But the fact that the civil service system is now challenged and vulnerable does not mean that we should fatalistically abandon it. That would be irresponsible, nihilistic, and ultimately self-defeating. What we should do is conduct a serious, responsible "salvage operation" in deliberate pursuit of defining "good police work." This approach will certainly not be the easy way; but the potential rewards fully justify the effort. For no less is at stake than better police services for all and a discovery of professional police "identity."

CHINATOWN IRONY

(Television Editorials shown Oct. 7-Oct. 9, 1977 by KGO-TV Vice President and General Manager, Russ C. Coughlan)

Part I

The recent murders in San Francisco's Chinatown have caused some interesting reactions. The Mayor lowered the flags and raised the reward money, Chief Gain lashed out at the lack of cooperation from the people in Chinatown who, in turn, called for increased police presence and protection. Because we forget so easily, no one seems to see the irony in what has taken place.

Exactly five years ago this month, the Police began to get tough with the gangs in Chinatown. Police Chief Scott said the purpose of the police sweeps through the streets of Chinatown was to prevent any acts of violence among the warring factions of gangs there. Chief Scott stated: "We would like to relieve the law-abiding citizens there of the gang problem. It is not our intent to harass any innocent people."

The police pressure must have been effective because they were forced to back off due to the reaction of some people in Chinatown. A few business leaders claimed that the police crackdown was hurting business, and one young man who was arrested in one of the sweeps made this incredible statement: "the police are creating a reign of terror in Chinatown. This intimidation and harassment of the Chinese people is a violation of our civil rights." He filed a class action suit against the police which was dropped as soon as the police pressure stopped.

The police have clearly been put in a position of damned if they do and damned if they don't. And judging from the decline in business in Chinatown since the recent massacre, the effect on business of the old police sweeps is like a gentle wind compared to a tornado. The reign of terror created by the dozens of gang-related murders is real and not just rhetoric, and

the intimidation of the Chinese people by the gangsters is indeed a violation of their civil rights. There is a solution, but there's an element of irony in it also.

Part II

Unquestionably, the solution to the problems in Chinatown will involve the cooperation of the residents there, the addition of more Chinese-speaking police officers, and the hard work of experts in the department who have the skill and the experience to break up the gangs that terrorize the law-abiding citizens.

But the highly-skilled, experienced police who could perform this service are in short supply, and the shortage, ironically enough, has been caused by a lawsuit which was filed on behalf of minority officers. Presently, the Police Department is short 38 assistant inspectors, 8 inspectors, 43 sergeants, 3 lieutenants, and 3 captains. The vacancies have not been filled because of the lawsuit by the Public Advocates which is challenging the promotional procedures currently followed by the Civil Service Commission. The lawsuit has also had the unfortunate effect of preventing the addition of close to another hundred officers who could be hired to replace the men who would have been promoted to fill the vacancies, and among the new men would undoubtedly have been several Chinese-speaking recruits. In the long run, the lawsuit may have been counter-productive to the best interests of minority officers, and it may have deprived the City of some needed police expertise. The lawsuit will be heard next month, so help may be on the way. (Emphasis added)

The peace that the Chinese people deserve will come only with the removal of predators from their midst. It is time to shake the gangsters loose from the fabric of the community they are trying to sew up with extortion, protection money, and murder. It will take cooperation and police manpower.

Notes

1. *Officers for Justice v. SF Civil Service Commission*, Civil No. C-73-1657 RFP, Memorandum and Order, 1973.
2. Additional plaintiffs are the Chinese for Affirmative Action and several other women's groups.
3. *OFJ v. SF Civil Service*, P. 2.
4. *Ibid.*, p.25.
5. Three rationale immediately come to mind: the high cost of such studies in terms of money and time; the lack of warning prior to this suit, and the heavy workload of on-going operational matters.
6. I refer here to three studies in particular: the Shavelson-Beckum Study and the Verducci Study (both outlined later in this article), and Lt. Richard Treub, *An Analysis of Height v. Ability to Perform Police Functions* (SFPD Legal Office, 1973).
7. Treub, p.2.
8. This is my interpretation of USC 1981, 1983, and 2000 (annotated) in *Lawyer's Edition of US Codes* (1974 Amended), along with the present decision.
9. *OFJ v SF Civil Service*, p.5.
10. *Ibid.*, pp.5, 7.
11. *Ibid.*, p.14.
12. *Ibid.*, p.14.
13. *Ibid.*, p.14.
14. *Ibid.*, pp.1, 15.
15. Richard Shavelson and Leonard Peckum, *Criterion Sampling Approach to Selecting Patrolmen* (unpublished, copyrighted study conducted for the SFPD Personnel Unit and the SF Civil Service Commission 1973).
16. Frank Verducci, (title unavailable), an unpublished study of physical requirements for patrol work conducted for the SF Civil Service Commission, 1974. My summary is based on Dr. Verducci's testimony in the present case.
17. This analysis is based on Daniel Bell, *The Coming of Post Industrial Society* (New York: Basic Books, 1973), pp.418-419.
18. This was the case of Sgt. David Duggar, who is now assigned to Central Station, SFPD Patrol Division.
19. I have borrowed these two concepts from Bell, pp.424-432; and I have modified them to illustrate the divergent arguments presented in this case.
20. Irving Kristol, *On the Democratic Idea in America* (New York: Harper and Row, 1973), p.26.
21. Kristol, pp. 26-27.
22. Perhaps the most influential advocate of educated policemen was the Report of the Katzenbach Commission: *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S. Government Printing Office, 1967), at pp. 107-113.
23. This was the hard-fought, narrowly passed Proposition "E", which was later incorporated into the Police Sections of the SF City Charter.
24. Victor Ferkiss, *The Future of Technological Civilization* (New York: George Braziller, 1974), p.44.
25. This concept was taken from Bell, p.377.
26. This description of "legislation," as contrasted with "adjudication," is taken from Oliver Wendell Holmes, quoted in Kenneth Culp Davis, *Administrative Law* (St. Paul: West, 1973), pp. 227-228.
27. Kristol, p. 24.

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BOARD IN-HOUSE SEMINAR

by Gale W. Wright

The Association Board of Directors and Officers scored a first over the weekend of Oct. 29 and 30, — we had an in-house seminar conducted for the Board by the Board. The verdict "Complete Success", was voiced by all who attended.

One of the main problems always faced at our new offices is that of the telephone calls which must be answered, and we want to. Unfortunately, the effects on think-tank sessions or bull sessions are constantly interrupted. The Board voted to have this seminar, but away from our usual surroundings.

Ethel George, our Office Manager, was given the task of setting up the meeting place, and Paul Chignell and Bob Barry planned the agenda. We met then for two days at the Holiday Inn in Terra Linda from 8:30 a.m. to 5:00 p.m. each day. As stated above, the results were very good. The entire Board, well almost the entire Board, had the opportunity to learn more about the whole Association operation and frankly, be more appreciative of the many areas we are involved in for the membership.

Basically, there were sixteen hours of instruction, with each Committee Chairman laying it out for everybody; a little history, the present situation and goals for further accomplishment.

Paul Chignell spoke on Membership and Finances; Jack Ballentine on Finances and Audits; Bob Barry on Public Relations; Mike Hebel and Bill Kidd on the Retirement System; Jerry Crowley on Federal Litigation; Attorney Stephen Bley on Criminal and Administration cases; Mike Hebel on A.B. 301 (Police Bill of Rights); Paul Chignell on Grievances; Joe Patterson on the I.C.P.A.; Jerry on C.O.P.S.; Gale Wright on Insurance and later on Publications; Al Casciato on Political Polls on the San Francisco District Elections.

Several of the above persons participated in Legislative/Political Action instruction which covered the reasons for political action, the June ballot of 1978 and the future of collective bargaining.

Layne Amiot of the Southeast Station probably had the best answer to the question of "What did you get out of this seminar?", when he replied, "I know we are involved in many areas, but I could never learn all of this material at a regular Board meeting, there just isn't enough time at those meetings." Ray Carlson said, "I have more appreciation for the work that the several Board members are doing. Sure, I had an idea of what they were responsible for, but now I know how dedicated and thoroughly they are doing their jobs."

This author has long reported that Committee work is the backbone of Association work and this seminar proves that point extremely well. The Board is not going to rest on any laurels, but will continue to move forward to improve the working conditions and benefits for police officers. Within that framework is good public relations with the community through our every day police job contacts. Even though morale is low, the basic responsibility to provide good police service cannot be hidden or shuned. At the same time, the Board will not let down the members through a morale cop out.

LETTERS

Grievance Resolved

Another grievance has been resolved, my grievance of being transferred without apparent cause, was actually uncontested by the administration.

When the initial transfer came through I was surprised and made the initial queries as to why, beginning with my Captain, who's answer was that it had come from downtown. Having a rather stubborn nature, I followed my first lead and headed for the Hall, (fifth floor to be exact) and began asking questions.

The answers were rather monotonous, "Well, I'm not sure, but I'll see what I can do?" Interestingly enough these answers were uniform in content rather like something they teach at middle management courses at the F.B.I. academy.

Feeling my case to be hopeless, my stubborn nature vained. As time went by I began to fall back into the routine. I had my own unsubstantiated theories of plots against me, but those I was sure would hold as much water as our new nylon waterproof jackets.

Sometime later, after being bounced from the day watch to swings, I had heard stories that the Chief was actually reversing some contested transfers based on grievances filed by S.F.P.O.A. members.

The ground-work was laid by the Honorable Paul Chignell and the wheels went into motion. I was ribbed by my Captain and fellow workers, all in jest I'm sure, but those comments made me feel as

though perhaps I had made a mistake and probably had opened Pandora's box.

The day of reckoning finally came when I was to report to the Chief for what I felt would be a sentence to Siberia. Entering the conference room, I observed an oval table, containing several ash trays, and surrounded by chairs. "This is it" I thought as The Brass gathered around, pulled back the chairs, and opened Manila folders, as if to review my sentence.

At my side were S.F.P.O.A. representatives Crowley and Chignell who I had decided could muster up the strength to carry me out on a stretcher. Questions began back and forth among the Brass, my head bounced to and fro similar to a tennis fan. Some questions were directed at me, to which I answered precisely as written in the grievance.

During the five minute procedure, it had been determined that there was apparently no valid reason for my transfer and the Chief declared I should be transferred back at the earliest opportunity.

With the procedure over the conversation shifted to lighter matters, and the Chief joked back and forth with my representatives suggesting that Paul Chignell should at least set up a grievance that he could win. Chignell laughed and agreed that he would get right on it. I exited with my pepsodent smile only to find a tag on my car, but that's another story.

I wish to say that that not only was I amazed that I won, but the procedure actually works.

Gratefully yours,
Karl Karlsson
Central Station
S.F.P.D.

Officer Gibbs

Dear Mr. Crowley:

I want to thank you for helping my family while they were here from Utah.

Everyone involved with the funeral cooperated and took good care of us. I really appreciate such courtesy.

Laurie Gibbs

Frank Lewis, M.D.
San Francisco General Hospital

Dear Dr. Lewis:

On behalf of the members of the San Francisco Police Department I would like to express our gratitude to you and the entire Trauma Team at San Francisco General Hospital.

The assistance recently provided to Officer Douglas Dibbs is exemplary of the professional service we have received from you and the hospital staff in the past.

Our sincerest thanks to all concerned.

Sincerely,
Charles R. Gain
Chief of Police

Charles R. Gain
Chief of Police
City & County
San Francisco

Dear Chief Gain,

Thank you for your note regarding Officer Gibbs. I

will pass on your thoughts to the other members of the Trauma Team.

I would like to thank you and the members of your department again for the enthusiastic response to our request for blood donations at the time Officer Gibbs needed them. The concern and support which was shown for him and his family were indeed outstanding and speak strongly for the morale and cohesion of your department. We all deeply regret that it was not possible to do more than we did for Officer Gibbs, and we will certainly continue to try and provide the finest care available for any of your men.

Sincerely,

Frank Lewis, M.D.
Assistant Professor
of Surgery
Associate Director, ICU

Atty. MacInnis

Editor
San Francisco Examiner

Dear Editor:

Regarding the article on Chinatown written by Raul Ramirez and Larry D. Hatfield on Sunday, October 23, 1977.

The reference made that James Martin MacInnis, attorney at law, represents the San Francisco Police Officers' Association is incorrect.

Mr. MacInnis once served as a co-counsel in a limited advisory capacity to the Federal Litigation in which the Association is involved but he does not presently represent this association.

Sincerely,
Gerald A. Crowley
Pres. S.F.P.O.A.

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DENTAL PLAN REACTIONS

by Gale W. Wright

Last year we had 348 members and their families enrolled in the PDHF Dental Plan. The problems were few, and on the whole our members had a great deal of dental work done, which is not unusual for a "voluntary dental plan." As a matter of fact, we used the plan so very good, the dentists could not be paid as fast as the work was being done.

That was the common complaint registered with us at the Association office, "My dentist says he is not being paid as much as he has coming from PDHF." He's right. If he is doing \$300 worth of work to you in two months and you are only paying \$40 worth of premiums, then of course he is going to come up short.

But if he were to program your work over a little longer period, then there would be a very good chance of the premiums coming in to offset the bills being run up. We, of the SFPOA, did not do that and the dentists didn't do that either. Everybody went huckledeback and now some dentists are having to wait for the premiums to catch up. Do they like it? In a word, — NO.

But to repeat, of the 348 members above and their families, only a relative few complaints were registered. That means over 300 members plus were happy with the plan.

During the last enrollment period, 570 members and their families joined the PDHF Dental Plan. Sure, we are getting a few new complaints, but it still remains that over 550 members plus are getting the necessary dental work done and are happy with the guaranteed two year contract rates.

The most common complaint is that one now has to pay for cavities, when they were free last time. The cost of cavities is not free, but the charge is

only one-third of the regular cost without this dental plan.

If the PDHF plan was really BAD, the Insurance Committee would have dropped it after the first year's experience, but it wasn't bad, it was good as I've said in the first paragraph. In light of our use of the plan, (high use, low premiums) we negotiated a new two year contract. The overall thinking was that since we have so many members and their families started in the plan, it would not be fair to drop the plan.

We were able to negotiate a new contract with guaranteed rates and over 200 more members joined the plan. Yes, the premiums were raised, and yes, cavities must be paid for (1/3 price), but on the whole it is still a very inexpensive Voluntary Dental Plan.

The main difference between a voluntary plan and a mandatory plan is this: Voluntary use is around 60% utilization because you are paying for it. Mandatory plans (city any pays part or all of the premium) are only used about 35% of the time. Why? Because the plan is always there, just like a bus, there always is time to catch the next one. The cash flow differences are very obvious.

How do I end this attempt at a decent explanation? Since the City does not provide any type of dental plan, then any dental plan has to be better than none. On the other hand, if Proposition "H" wins this November, a better dental plan can be made available for all city employees. The cash flow will improve. In the meantime, hang tough and hopefully you will realize that while the SFPOA is not in business for insurance plans, we are trying to provide services demanded of us. My advice is to stay with PDHF and get your dental work done.

STRUGGLING WITH MEDIOCRITY

by Michael G. Pera

No, not theirs — yours. Yes You! You, the reader. I apologize for being somewhat rude in getting your attention, but you did make it tough. Casually holding the paper outstretched between thumbs and fingers, I knew you didn't expect to be directly spoken to. You can relax, it's just you and me and I won't mention names. Don't look up abruptly. Someone may be watching. If you feel a blush coming — although there's no reason why you should — elevate the paper for privacy.

Alright, let's get right to it. Say, "I'm mediocre". C'mon. Say it. The first step to recovery is admitting to yourself, and thereby accepting, that you're mediocre. I won't make any false promises: this innate disease itself has no cure. Maybe that's why the acknowledgement of its presence is so fearfully fought. But, the side effects, or affects (I can never figure those two words out) can be remedied.

Now, if you've admitted it (you see, I obviously have no way of knowing) we can continue. If you have not at least whispered under your breath that you are suffering from this mediocre malady, there's no point in reading further. But save the article, it may come in handy when you are ready to face the truth. Hey, don't everybody put down the paper at once. Talk about lack of modesty.

Well, anyway, for those of you that are still with me, and now that it's out in the open, we can analyze it. In the overall view we are all mediocre and common. For some reason we fight it. Refusing to accept what is impossible to refuse. We submit ourselves to non-sensical comparisons. For example:

- 1) The housewife is setback when comparing herself with her television commercial counterpart. You know the type I mean.
- 2) The househusband, while openly cheering a home run or touchdown, is inwardly dealt a detestable feeling of inadequacy.
- 3) A child cringes with self-disgust when asked why he or she can not have the manner of so and so (a kid that he or she hates relentlessly).

These are all victims of the cameo comparison. This brings us to the heart of the problem. You compare your entire being with a moment of achievement in another person's life. A moment in most cases that this person was primed for. You are playing their game in their ballpark, under their rules. How can you expect to break even?

There are many solutions that can correct or relieve the symptoms. A punch in the nose might help. Please note. This remedy is not recommended in a case where the cameo comparison is made with a professional boxer. Resist this temptation — it is likely to lead to additional feelings of inadequacy. However, a dark alley and a two by four could neutralize certain advantages.

On to less violent and more tasteful solutions. Ignoring and/or avoiding the circumstance in its entirety is another choice that could be made.

The best and most effective method is elementary. It is such a plain approach we seldom consider it. Bring them into your milieu:

- 1) Can that starlit manage a household as well as you?
- 2) Can that sports hero wash a car any better than you?
- 3) Can that kid with great manners out do you in any thing you really care about?

Of course not, You've taken their edge away. At this juncture you should be relatively free of most side effects or affects (take your pick). In time they will completely vanish. Now, you are a hop, skip and jump from unblemished mediocrity.

I'm not talking about hap hazard mediocrity. I mean

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a day in day out, step by step, solid, 100% gold plated mediocre approach. Sure, anyone can have moments of averageness. It takes continuous concentration to be consistently common.

Why is there such a need for extreme? Why do they trap us into making totally unnecessary determinations. For example: There are 1st and 2nd degrees to some crimes. This does not allow you to paint a complete picture.

An individual might perpetrate a 2nd rate, 1st degree robbery, or a 1st rate, 2nd degree burglary. You see, you have to make a distinct decision, that portrays a limited reflection as to what actually took place. Better yet, how about grand theft and petty theft? Somewhere between these two classifications there has to be an ordinary theft.

This discussion, regardless of how brief, would not be complete without at least a mention of the all time, sky high, rock bottom cameo comparison. This epitome of comparing may seem familiar to many of you. Here it is. You've got a neighbor. To save space we'll just say he's an all around rotten guy. He's got one picture in his wallet, it's of Idi Amin dancing with Cinderella's stepmother. I've made my point. But, let this guy lean on a lawn mover, while you are trying to watch a ball game and all of a sudden he is the community standard. "Why can't you be like him?"

The result of this problem (you, before reading this article) is the end product of a development that started long ago. The super heroes of your early formative years circumvented your logical thinking potential completely. Two reasons account for this: 1) they get first crack at you, 2) their extreme abilities. Here again, looking behind the superficial facade, the exact perfectness erodes.

Let's take Superman for example. This guy must be a psychological wreck. First of all he has this need to dress abhorrently flashy and this places him in a position of being a spectacle, which compounds the problem. Superheroes, like anyone else, get dandruff, athlete's foot and all the other common ailments. Take them from their protected image, made possible by the causalized depiction we're allowed to view, and they are just like you and me.

Don't you feel self assurance with the knowledge that Batman at one time or another may have needed Preparation H?

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Another Policeman Questions the Chief's Morals

The Editor
San Francisco Examiner
Dear Sir:

As a Policeman for the past twenty-eight plus years, I was amazed to see my chief, who I have defended verbally over some period of time, posing with Margo St. James and another professed "hooker" at the so-called Hookers' Ball, for your Sunday edition.

For the first time in my career, I was absolutely ashamed to identify myself as a Policeman, a profession of which I have been proud of up to this point. Why he was in attendance in the first place leaves much room for doubt as to his moral standards, which have been a subject of controversy for some period of time.

I also question the journalistic stand of a newspaper who overtly belittles the office of Chief of Police by publishing a photo which it knows is going to stir adverse criticism of an already beleaguered organization which is sworn to protect the public.

This man has demeaned the Police profession as it has never been demeaned before. We've had our problems over the years, true, but I personally have never seen morale at the low ebb at which it exists today.

I feel that I speak for the rank and file officer when I speak out against an administration which has made him ashamed of his life long commitment to protect the average citizen of San Francisco.

I further feel that I speak for all the fine officers who have given their lives in fulfilling their sworn duty. I know that I, as well as they, have been always ready to make the extreme sacrifice in the public interest.

As a former Marine, I found the camaraderie very similar to that of The Corps in that each man was ready and willing to lay down his life for his fellow member in the interest of those persons who pay our salaries, in this instance, the citizenry of San Francisco. I feel very strongly that Chief Gain has abdicated his responsibility to this self-same citizenry by his deplorable conduct.

I know that this is my "swan song" as a member of the San Francisco Police Department but I go out with my head held high with the assurance that some day, hopefully soon, we shall again have a leader who will

recognize the esteem of his office and return the San Francisco Police Department to the place of dignity it deserves.

With A Broken Heart,
Inspector J. Bruce Jones
Intelligence Division
San Francisco Police Dept.



Photo by Mush Emmons
Celebrants at the 4th Annual Hookers Ball were I to r, COYOTE'S Margo St. James, Police Chief Gain and the self-proclaimed Wonder Whore. Isn't that swell?

Mr. Reg Murphy, Editor
San Francisco Examiner
Sir:

Recently, as you may or may not be aware, I submitted a Letter To The Editor, under my own signature, to your newspaper which had, on Sunday, Oct. 30th, published the incongruous and by now infamous photo of my Chief, Charles R. Gain, reveling between two self-proclaimed prostitutes at the Hookers' Ball which, in any city other than my beloved San Francisco, would in itself reek of impropriety.

However, in our City, with its cosmopolitan aura, of which, incidentally I'm a native son, these affairs are readily accepted and properly so.

My only quarrel was the presence of Chief Gain at such a socially questionable function, which has since incensed countless citizens and, I'm quite certain, ALL police officers.

On Thursday, Nov. 3rd, an edited, watered-down version of my letter appeared on your editorial page. Deleted, without my permission, were salient words, sentences, and a paragraph, which, in the final analysis, completely altered the context, misdirecting the reader and inviting the wrong conclusions thereof. Since my primary purpose in writing this letter was to put across a point which in some small way might help to raise the morale of the much maligned street officer and his family, I felt that the unauthorized editing of my letter was a blatant and improper exercise of journalistic license which slanted the intended meaning and, rather, expressed the feelings of some person(s) other than this writer. Under the First Amendment I feel that I am entitled to more consideration since this was not an anonymous contribution.

When I composed and forwarded this letter, I truly intended to seek retirement, for which I am eligible, on the spot but, after a few days of careful consideration, I felt that this would only serve to satisfy a long range plan of the present administration which has already induced many irreplaceable and dedicated officers into premature retirement. Thus I chose to remain and "face the music" if there be such, and to continue my own personal devotion to the people of San Francisco.

I ask you only, sir, to have the "guts" to publish this letter, as well as the previous letter, uncensored, in order that it might achieve its initial purpose. I feel that I had the "guts" to write it.

Respectfully,
Inspector J. Bruce Jones

Editor's Note: Both of these letters were sent to the S. F. Examiner after the photo above appeared in the October 30, 1977 edition, with copies to The POLICEMAN. We have now learned that Chief Gain has transferred Insp. Jones out of the Intelligence Bureau.

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San Francisco's rising crime rate can be controlled.

Learn more about the menacing problem of rising crime in San Francisco and how small businesses can better cope with threats of crime in San Francisco. A Free Crime Prevention program is being offered November 22 at City College Auditorium, Conlon Hall, Building E 101, located at Phelan and Ocean Streets, San Francisco.

The Free Crime Prevention Seminar For Small Businesses is being conducted by the San Francisco Chamber of Commerce Crime Prevention Committee. Registration is at the door from 6:30 to 7:00 p.m.

The seminar will last from 7:00 to 9:30 and cover such areas as; juvenile crime, shop lifting, robbery, burglary, vandalism and many other interesting areas.

Seating at Conlon Hall will be on a first come-first serve basis, and the program is free.

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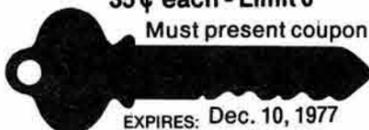
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SPORTS

RUNNING

by Walt Garry

October 6th was the Annual PAMAKID Lake Merced run. A seven mile course that circled the Lake from the south, turning into the boat house, through the Golf course, over the bridge, back around the west end a second time and on to the finish at the Westlake Park Club House in Daly City.

There were trophies and medals for the top finisher, male and female, in at least eight age divisions. There was a large turn out and the weather was perfect. Lou Barberini and Marty Walsh from the Solo's ran a great race. Also Bob Gillaspie from Co. B and his wife Brooke crossed the finish with good times.

It seemed as if half the firefighters in the Bay Area were in Oakland Sunday morning October 23 for the Oakland Brass Pole Run, a benefit race for the Northern California Burn Council. The race started at Lake Temescal and wound its way through some of Oakland's beautiful tree-lined streets, skirted Lake Merritt to Broadway at the four mile mark.

This is about the location in the race when a runner feels like giving up (or throwing up). The organizers, knowing this, had set up several large speakers atop some fire trucks and were playing loud and clear the theme from Rocky as we turned on to Broadway and ran the last two miles to the finish chute at Jack London Square.

The Oakland firefighters are to be congratulated as this first annual event was well planned and went off very smoothly. Everyone received ribbons, T-shirts and refreshments at the finish. Dan Inocencio and Jerry Sarin from Youth Services were part of the large group of runners that finished the race.

The Excelsior Track Club held their 4th Annual West End Run in Golden Gate Park on November 6th. The 6.25 (10 Kilo) course covered trail and pavement. The trail took the runner over a cross-country course east of the Polo Fields. It included deep sand and a small water jump, then out to the Great Highway, back up South Drive to the finish opposite the Polo Fields.

The S. F. Police A. C. was well represented by Dennis Gustafson, Southeast, who took a Third Place Medal in the 30-39 Division and finished in the top twenty overall. Even this writer won something, a fifth of Sonoma Valley Pinot Noir in the after race raffle. It was a very pleasant Sunday morning.

Remember the Christmas Relay in December. Contact Joe Mollo in the gym for information.

2nd OLYMPIC WEIGHTLIFTING MEET

by Steve Gough

The SFPOA hosted its Second Olympic Weightlifting Meet in as many months on Sunday, October 23rd. Twenty-two teenagers, ranging from eleven years old to nineteen, from Sacramento to Salinas, competed. Eight new Pacific Association and Region 13 (California and Nevada) AAU records being set.

One of the early highlights of the meet was little Bruce Summers, of Sacramento, thirteen years of age, who, at the massive bodyweight of 103 pounds, set six brand new records, finishing with a 110 pound snatch and a 154 pound clean and jerk and rewriting the Pacific Association and Region 13 AAU Record Book.

In the afternoon session, Eric Seubert, of Pacifica, nineteen years of age, snatched 259 pounds and clean and jerked 330 pounds to become the top ranked teenager in the 198 pound class in the nation. Eric is a strong candidate for our Junior National Team to compete in next summer's Junior World Championships in Athens, Greece. Eric is a product of our Bay Area Junior Olympic's program and a credit to the sport of Olympic Weightlifting. This teenage meet was very successful and the SFPOA can feel very proud in helping to sponsor our area's Junior Olympic Program.

2nd ANNUAL BENEFIT FOOTBALL GAME

S.F. Police Department
vs.
S.F. Fire Department

December 10, 1977 - 1 p.m.

Washington High School
(32nd Ave. & Geary)

Tickets: \$1.00

A raffle will be held at halftime for valuable prizes and donations will be given to the Special Olympics for the Handicapped. For tickets contact:

| | | |
|--------------|------------|------|
| Bob DelTorre | CSTF | 7-3 |
| Mike Lawson | CSTF | 10-6 |
| Joe Mollo | Police Gym | 9-5 |
| Ed McDonough | Northern | 3-11 |
| Jack Minkel | Ingleside | 3-11 |

Golf Club News

On Wednesday, October 19, 1977, a cold and blustery day, forty players journeyed to Diablo Creek Golf Course in Concord. The scores were indicative of the kind of day it was. Only one person broke eighty and I'm happy to say it was me. Low gross was seventy-eight.

The low net winner was John Kemp who shot an eighty and with his twelve handicap had a net sixty-eight.

The flight winners were: First, Joe Buckley and Tom Gordon; Second, Vic Macia and Jim Skinner; Third, Pete Buckley and Rich Racine; and Fourth, Joe Allegro, Sr. and Jack Daly.

The Hole-In-One winners were first: Joe Buckley with a shot 17'8", second was Larry Dubour who was 22'5" and third was John Kemp who was 22'9".

The guest flight was won by Jim corn a Concord policeman who was a guest

of Jack Daly's. Ed Bigarani was second and Chris Beebe was third.

The club's year is coming to an end. In November we play Santa Rosa Country Club and in December we play Walnut Creek.

I'm in the process of arranging next years schedule. I'm sure it will be a good one. Anyone interested in the club can call either myself as below or Lt. Vic Macia at 553-1553 for further information. If you want to join send a check for \$5, made out to the San Francisco Police Golf Club, to me and I will send you the necessary information.

Jerry Cassidy, Secretary
S.F. Police Golf Club
Co. K E&I Solo M/C
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FOOTBALL TEAM NEWS

by Dave Maron

The last four weeks of play in the Jackson Football League saw the San Francisco Police Athletic Team win 3 out of 4 games to qualify for a playoff spot. This was quite a turn around from the first three weeks of play which left us with a one win, two loss record.

In game four Mark Porto put us ahead early when he hit Jeff Barker with a 40 yd. touchdown pass. Jack Minkel scored our second touchdown on a 4 yd. run. The defense was led by safety Mike Keyes who had three interceptions on the day. Linebacker Lou Duran, lineman Fred Killar and George Stasko showed well on defense. The end result was a 14 to 8 victory.

Game five was a low scoring affair but turned out to be our most important win. By winning we assured ourselves of a playoff spot. The only scoring came on a Mark Porto to Jim Sweeney 7 yd. pass. Mike Lawson, Dan Lawson and Mike Keyes had interceptions for the defense. Fred Kollar, Andy O'Mahoney, Bob Crosat, and Lou Duran provided most of our defensive muscle.

If you like lots of scoring, then you should have been at game six. Mark Porto enjoyed his best passing game as he hit Herman Clark and Jack Minkel for two touchdowns apiece. Jim Sweeney and Dave Fontana also had touchdown grabs. Unfortunately the other team had one more touchdown than we did. Final, a 42 to 37 loss. Defensive end Herb Lockner had a chance to be the game hero when late in the fourth quarter he intercepted a pass and ran it back to the one yard line. At this time we were only behind by five points but were unable to take it over for the victory.

Game seven, the last regular season game, saw us come away with an easy victory. On the first play of the game Dave Fontana caught a 55 yard touchdown pass and from then on it was all downhill. Touchdown grabs were also caught by Jack Minkel (2), Jim Sweeney and Marion Jackson. On defense Dan Lawson had a fumble recovery and an interception. Lou Duran also had an interception and an onside kick recovery. Bob DelTorre had an interception. Final score, 34 to 6.

LEAGUE RECORD

| | S.F.P.A.C. | OPPONENT |
|---------|------------|----------|
| Game 1 | 13 | 30 |
| Game 2 | 18 | 30 |
| Game 3 | 33 | 26 |
| Game 4 | 14 | 8 |
| Game 5 | 6 | 0 |
| Game 6 | 37 | 42 |
| Game 7 | 34 | 6 |
| Playoff | 25 | 26 |

Playoff Game — With less than three minutes to play, linebacker Bob DelTorre intercepted a pass and ran it back to our 40 yard line, giving us our last chance to win and advance in the playoffs. One first down and four plays later, our hopes came to an end as Mark Porto's pass to Jeff Barker was high, thus turning the ball over to our opponent who ran out the clock for a 26 to 25 victory.

This was a bitter defeat to take as we held the lead several times throughout the game only to lose it on broken plays. Mark Porto behind a solid wall of offensive blocking, threw four touchdown passes, two to Jack Minkel and two to Jim Sweeney. Jeff Barker also came up with clutch catches throughout the game.

Our season is not over though. On November 17 we will play the San Mateo Sheriffs at Woodside High School in San Mateo. This is the first game between the two PD's and if things work out it may be an annual affair.

On December 10, we will face our arch rivals, the San Francisco Fire Department. This game has drawn increased interest and success. Previous games have been intense, closely played and hard fought contests. All proceeds from ticket sales will go to charity. Admission is free. Bring your friends and family.

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ANNUAL CHRISTMAS SHOW

SAN FRANCISCO POLICE OFFICERS' ASSOCIATION

**FRIDAY AND SATURDAY,
DECEMBER 16 & 17, 1977**

Masonic Auditorium
1111 California Street

The San Francisco Police Officers' Association presents the "Annual Police Christmas Show". This variety show features top television and stage personalities and will be approximately two hours in length. The Masonic Auditorium was selected to hold this 1st Annual Show and is located at 1111 California Street.

Proceeds from this event will be disbursed by the twenty member Board of Directors and will enable the Police Officers' Association to maintain their high level of community support and to help expand their community oriented activities during the upcoming year.

Tickets are priced at \$10. each, which admits one whole family (Mom, Dad and the Kids). We hope to see you there. For tickets, phone 431-2166

Sincerely,
The Board of Directors
S.F.P.O.A.

CAL STATE AUTO CAMPAIGNS TO REDUCE AUTO THEFT

Law enforcement officials estimate that car thefts account for an annual loss to the national economy of more than a billion and a half dollars every year. This figure includes the value of the stolen vehicles and the costs involved in trying to locate and return them to their rightful owners.

As part of the nationwide effort to reduce this drain on the nation's economy, the California State Automobile Association (AAA) has mounted a campaign in connection with the City and County of San Francisco to help reduce losses resulting from auto theft.

In the time it has taken you to read the few sentences above somebody, someplace in the United States has lost a vehicle to a car thief. Approximately two cars are stolen in this country every minute, day and night!

The Crime Prevention Bureau of the San Francisco Police Department tells CSAA that auto thefts have increased 26 per cent since the end of 1976. During the first half of this year, the SFPD reported 5,631 car thefts, as compared to 4,732 during the same period of last year.

The same information source informs us that over two-thirds of all auto thefts occur at night; and over half the cars stolen were left unlocked. Many even had keys in the ignition switch.

CSAA's campaign is based on cautioning car owners about the risk of car theft through the use of bumper stickers on municipally owned vehicles, urging motorists to help prevent theft by locking their cars whenever they are unattended. Miniatures of the black on orange stickers will shortly appear on parking meters, particularly in high density crime areas of San Francisco.

In recognition of the auto club's efforts, Mayor George R. Moscone presented CSAA's Executive Vice President Neal Garrison with a proclamation of appreciation.

GENERAL MEMBERSHIP MEETING

DECEMBER 13, 1977

7 p.m.

**SFPOA HALL,
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