

A Police Check on 'Lenient' Judges

The San Francisco Police Officers Association announced plans yesterday to crack down on judges it regards as "consistently too lenient" in criminal cases.

Where judges are deemed to be chronic offenders in the eyes of the association, it said their cases will be referred to the State Commission on Judicial Qualifications, which reviews judicial conduct.

The association's watchdog program was spelled out in the latest issue of the organization's official newspaper, the Notebook.

One jurist, Judge Joseph G. Kenney, who handles the Municipal Court's felony calendar, immediately called the association's undertaking "terribly unfortunate."

The Notebook complained bitterly in an editorial of a series of recent attacks on

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policemen, declaring that officers "are a walking target."

"Every petty, two-bit hood in the city knows from recent developments that it's easy to beat a rap today," the editorial insisted, adding: "What the hell is probation or a suspended sentence to them?"

The newspaper said in an accompanying article that its staff would "act as a central complaint depository" for the name of "any judge who is consistently too lenient."

"If we receive the name of one judge repeatedly, we will review the cases. If there is justification we will then request the State Commission of Judicial Qualifications to review these cases."

MEMBERS

Virtually all of the city's 1800 policemen are members of the association.

William Hemby, a patrolman assigned to Potrero Station and editor of the Notebook, said the "incentive" for the program came from San Diego, where policemen compile information on each court case for a yearly digest that is distributed to all members of the force.

"There will be a group of officers set up as a committee to do the screening of complaints from officers who go to court and feel their cases have not been treated correctly," Hemby said.

"These complaints will be given to the association's board of directors with possible recommendation as to what steps be taken."

He said that in some instances letters of protest might be sent to presiding judges.

Presiding Superior Court Judge Francis McCarty declined to commend on the association's plans and Police Chief Alfred J. Nelder said he would have nothing to say about them either until he reads the Notebook edition.

Judge Kennedy, however, voiced strong opposition. "The Police Officers Association position," he said, "violates the rules of separation — the Police Department is an organ of the executive arm of government."

GUILTY

Kennedy said the fact that a man is arrested is not proof that he is guilty. Judges are compelled to see that justice is done according to law, not simply to appease the police department, he declared.

"It's not a question of who's right or who's wrong," the judge said. "It's the law that sets the guidelines by which a judge exercises discretion. If the judge is going to have to rule in favor of the police, there is the probability of a miscarriage of justice."

In discussing what it described as "brutal, unprovoked attacks" on San Francisco policemen, the Notebook appeared to suggest that harsh sentences are useless in stemming the violence.

"Make no mistake about it," the newspaper told its officer readers. "If that suspect you're chasing can get away by knocking you off, no sense of 'fair play,' brotherly love or fear of punishment is going to stop him."

The police assailant, the newspaper said, "is the worst of all" criminals. "He is the self-styled revolutionary. His cause is not of civil rights or discrimination or better housing — it is instead a cause of destruction. Destruction of our country, our society, of our lives."

The Notebook said it was also assigning itself the task of keeping a close watch on all elected officials.

"We will attempt to keep abreast of legislation affecting law enforcement officers and how our elected officials support or fail to support said legislation," the newspaper said.