

'More Selective'

PREP

S.F. Police Are Pulling Back In Zebra Hunt

San Francisco police have drastically cut back on the controversial "stop-and-question" hunt for the Zebra killer which has outraged much of the black populace, chief of inspectors Charles Barca said yesterday.

The disclosure came in a memorandum read into the record during a hearing before U.S. District Judge Alfonso J. Zirpoli on whether the week-old police practice should be forbidden on Constitutional grounds.

Zirpoli promised to rule this morning on the requests for a preliminary injunction prohibiting the random questioning.

He expressed the hope to City Attorney Thomas O'Connor that once police look closely at the proposed court order, they may find that it won't hinder their investigation.

"We've tried the stop-question tactics for six days and it appears to be unproductive and ineffective," Barca said in the memo written on Tuesday and addressed to the commanders of Operation Zebra.

"From now on, be more selective when making stops. Make them when the individual is acting, or appears to be, out of the ordinary," the memo continued.

In the past week, police have stopped 567 blacks who they felt resembled an artist's sketch of the random killer or killers on city killer or killers of 12 whites and wounded six others since November.

The police action prompted separate suits by the NAACP and the American Civil Liberties Union, arguing that the questioning of blacks on the street in such numbers is a wholesale violation of Constitutional rights.

The memo offered two examples of how police will decide who and when to question in the continuing hunt for the Zebra killer or

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killers.

One example is if someone is waiting for a Muni bus and "the Muni vehicle arrives and he doesn't board it." The other is when an automobile drops a person off "and stops either within sight or around the corner or the passenger vehicle stops and the passenger continues walking on ahead."

Barca added in the memo: "The above are only obvious examples. There certainly are many other suspicious circumstances where a stop-and-question would be warranted."

In reply to a question from attorney Nathaniel S. Colley, Barca said he decided the wholesale questioning wasn't paying off a couple of days ago. "But to give this operation a chance to prove itself, I thought we would wait."

He added: "After a week's time, it appeared we had gotten no results. It appeared that the so-called Zebra killer would not reveal himself to the police in a way that might lead to his capture."

In reply to another question, Barca said he estimates there are 100,000 blacks in San Francisco, perhaps 6000 of whom fall within the age range of 20 to 30 at which eyewitnesses place the killer.

Colley elicited an admission from Barca that if policemen saw two young men, one white and one black, waiting for a bus, they would be more likely to question the black.

"A necessary ingredient of being stopped is blackness — is that right?" Colley asked. "Yes," Barca replied.

Judge Zirpoli asked whether such a decision on the part of the policeman was a subjective judgment. "It's up to the officer," Barca replied. "It's what a prudent police officer would do under the circumstances surrounding the situation."

Barca said the new order to Operation Zebra commanders was drafted following a Tuesday meeting at City Hall between him, Police Chief Donald Scott, Mayor Alioto and two aides.

Two kinds of cards have been filled out after police interrogations of blacks stopped on the street. The cards came under angry attack at the hearing.

One, called a "courtesy card," was used by the bearer to show to officers who might stop him a second time and was meant to prevent a second questioning.

The other was a "field interrogation card" and went into police files. It contains: name, address, occupation, employer physical description and other information about the person stopped.

Testimony yesterday indicated that of the 567 blacks who have been stopped and questioned so far, field interrogation cards were made out on 181 of them.

Colley indignantly pointed out that although the suspect is described as youthful and slender, "one of the persons stopped was a black man, 59 years old and weighing 255 pounds."

Referring to the so-called courtesy cards, Barca said: "This is something I thought would work out, but I now read in the press that some people find it offensive."

Colley called the field interrogation cards "an admission by the police that they are engaged on a wholesale invasion of the privacy of the black population." Colley added:

"Any person who is black and happens to be anywhere in the suspect range has one of these made on out. What right does a police department have to put the name of a black man into police files as a person who has been investigated as the possible Zebra killer?"

Chief Scott testified that he was adamant in discussions with his staff that Operation Zebra was to be conducted with a minimum of searches and pat-downs.

"It was just that if any officer felt his safety in danger, he could conduct a pat search," Scott said.