

Street Dragnet For Zebra Illegal

Judge Limits Police

A federal judge ruled unconstitutional and formally ordered a halt yesterday to the wholesale police questioning of black men on San Francisco streets in the search for the Zebra killer.

The order by U.S. District Judge Alfonso J. Zirpoli forbids police from forcibly stopping and searching anyone simply because he resembles a "profile" the Police Department prepared on the Zebra killer — who may be as few as one and as many as four persons.

In the future, officers will have to have independent information creating a "reasonable suspicion" that whoever they stop has committed a crime or is in the process of committing a crime.

Zirpoli also said that if police lawfully stop a possible Zebra suspect on the street and fill out a "field interrogation" card on him, the card must be destroyed at the end of 60 days and cannot be used for the investigation of any other crime.

The order by Zirpoli came a day after the Police Department had itself issued revised guidelines greatly narrowing the latitude its officers have in stopping blacks.

Zirpoli had praise for these guidelines but said he still felt a preliminary injunction was needed because "the danger of repetition has not necessarily been removed."

Beyond that, he said: "The sense of crisis in police community relations persists, and nothing would so directly ameliorate it as a judicial decree forbidding the practices complained of."

Zirpoli made his ruling in suits filed by civil rights organizations on behalf of blacks. Attorneys for the Police Department had hoped

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that the department's new guidelines would eliminate the need for a court order.

"We did everything we could to comply with the constitutional question," City Attorney Thomas O'Connor said afterward. His deputy, George Agnost, said the Police Department will be urged to appeal the ruling.

Police Chief Donald Scott said that the department's legal officers will confer with the city attorney's staff to decide whether to appeal the order.

At 6:30 p.m. yesterday, Chief Scott issued a teletype order instructing his men to conform with the court ruling.

Under Scott's order, effective immediately, no one was to be stopped merely because he might resemble

the police composite picture of the Zebra killer.

Officers were instructed to stop only persons engaged in suspicious activity. In other words, the chief ordered all officers on the street to revert to normal patrol procedures.

Sergeant David Roche, Scott's legal adviser, said revised guidelines for the Zebra investigation were expected to be drawn up today.

In the Zebra shootings, all the assailants have reportedly been black and all the victims white.

Zirpoli noted that with the murder of 12 persons and the wounding of six others in five months, both public and police are "understandably outraged and impatient with any obstacle in the search for the murderer or murderers."

Zirpoli said he fully understands the difficulty policemen have in their daily work, but remarked that what seems "logical and practical" to an officer in the solving of crimes "may turn out to be a deprivation of another's constitutional rights."

He added: "The Police Department is society's instrumentality to maintain law and order, and to be fully effective it must have public confidence and cooperation."

During seven days of Operation Zebra's massive "search-and-question" of blacks, nearly 600 blacks resembling the police profile and sketch of a prime suspect were interrogated.

This police practice was largely abandoned on Tuesday on grounds that it was "unproductive and ineffective."