

POLICING RACIAL VIOLENCE IN BOSTON:  
A CASE STUDY OF AN INNOVATIVE PROGRAM

by

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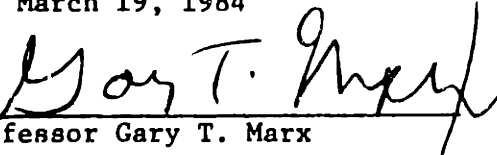
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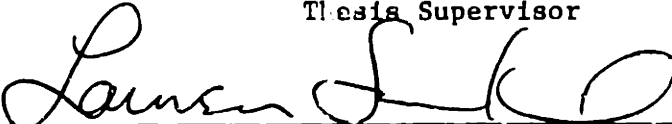
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ABSTRACT

This case study examines the role of the Boston Police Department in dealing with racial violence. The thesis is divided into three major sections. In the first section an examination is made of the background and setting of racial violence in Boston. Traditional forms of policing are shown to be inadequate and insensitive to the plight of victims of racially motivated crime. Several significant court cases and the efforts of advocacy groups provide the initiative for a unique department policy and the creation of an innovative centralized unit to deal with racial violence.

In the second section the various strategies that are used and their impact on the problem are analyzed. Policy implementation is described, and a number of critical turning points in program development are noted. A variety of enforcement methods for dealing with racial violence are outlined (reactive, proactive, legalistic, and organizational). The extent and nature of violence in Boston from 1979 to 1983 is analyzed. While it is not possible to establish an unequivocal causal relationship between the department policy and the pronounced decrease in the level of racial violence in Boston over this period, evidence suggests that the policy was responsible for increasing the "threat of apprehension" in those sections of the city that had demonstrated persistent patterns of racial violence.

In the final section the theoretical, social and policy implications of the program are described. The centralized unit transcends the traditional role of the police with respect to racial violence. It represents a type of moral entrepreneur in pressing for new laws and remedies. The thesis proposes that the reclassification of what had been treated as normal crimes into a new category called "community disorders" had the functional effect of uncovering and drawing attention to a previously hidden class of victim. The policing of racial violence in Boston is compared to that of selected other cities. In the final chapter a number of critical dilemmas which the program faced are analyzed, and the relevant policy implications are discussed.

Thesis Supervisor: Dr. Gary T. Marx

Title: Professor of Urban Studies and Planning

**For my father, who always wanted another doctor in the house.**

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I have been fortunate to have family and friends who were always there when I needed them. My mother has been her usual supportive self, and my brother Stan knows what it means to be a brother. William J. Bennett has been a trusted friend and teacher. And my friend Jan, who has been through this process, was always understanding during those beautiful spring mornings when I was sequestered in my study.

This thesis is dedicated to past, present and future members of the C.D.U., and to units like it, who try to make a difference in an imperfect world.

## INTRODUCTION

... one may well wonder how any group of men could perform the tasks required of policemen. The citizen expects police officers to have the wisdom of Solomon, the courage of David, the strength of Samson, the patience of Job, the leadership of Moses, the kindness of the Good Samaritan, the faith of Daniel, the tolerance of the Carpenter of Nazareth, and finally, an intimate knowledge of every branch of the natural, biological, and social sciences. If he had all of these he might be a good policeman.<sup>1</sup>

The above statement by August Vollmer, a recognized police reformer writing in the early part of the twentieth century, reflects the exceedingly complicated level of skills expected of police in modern society. We have come to expect a great deal from the police, probably too much, in a civilization that is increasingly complicated. It is important to remember that the police are only one social control agency and that other institutions such as schools, family, and the church also have an integral control function to play in our society.

But as Bittner has so thoughtfully noted, the police monopoly on the use of force in contemporary society is what sets the police apart from other social control institutions and gives them a unique responsibility.<sup>2</sup> Because of this monopoly on the use of force, the police are often perceived to stand between order and disorder. Yet keeping the order in a democratic society makes the job of policing inherently problematic.

Policing has gone through a series of changes from the watchmen form of policing in Boston in the 1600's to the adoption of Sir Robert Peel's English form of policing in New York in 1844. By the 1930's the "professional model" for police began to emerge which was largely advocated by August Vollmer, Bruce Smith, and O.W. Wilson. This model

sought to reform American police agencies by promoting standards which advocated improved training, centralization, tighter discipline, better management and placed a high value on integrity.<sup>3</sup> The best example of this model was the Los Angeles Police Department, which adopted many of these reforms largely due to the efforts of a reform minded chief, William H. Parker. But while this model was undoubtedly significant in placing a high value on efficiency and integrity, it was flawed in its failure to recognize the inherent conflicts in the police role and most significantly the importance of the relationship between the community and the police.

#### URBAN DISORDER

The limitations of the professional model were not readily apparent until the mid-sixties when cities like Los Angeles experienced violent civil disorder in the form of the Watts riot of 1965. The hostility and the frustration of the community erupted in the streets, as one of the most efficiently run departments in the country found itself at the center of the conflict. In the wake of this violence four presidential commissions would emerge over the next five years to examine the causes of the disorders and make recommendations: The President's Commission on Law Enforcement and Administration of Justice, also referred to as the President's Crime Commission (1967); the National Advisory Commission on Civil Disorders, sometimes called the Kerner Commission after its chairman (1968); the National Commission on the Causes and Prevention of Violence (1969); and the President's Commission on Campus Unrest (1970).

While most of the Commission studies reinforced some of the elements of the professional model of policing, such as better training and stricter internal discipline, all were acutely troubled by the intense

hostility felt by minorities for the police in most jurisdictions. The President's Crime Commission noted that hostility can become an important factor in a riot as illustrated by the rumor that one Commission staff member heard many times in Watts:

Two white policemen were beating a pregnant colored lady like a damn dog. They need their heads knocked off. I agree 100 percent for the Negroes going crazy - they should have killed those freaks. Yes, treating niggers like dirty dogs.<sup>4</sup>

According to the Commission, this incident, which never took place, was thought to be the cause of the 1965 riot. And a survey of Watts' residents showed that 21 percent thought that police brutality was the cause of the riot.<sup>5</sup> The Commission found considerable black hostility to the police in virtually every large city it visited.

In a historical review of police involvement in civil disorder, Gary T. Marx observes three reoccurring themes of police behavior in twentieth century violence: "the police were sympathetic to (white) rioters and sometimes joined the riot themselves, the police often failed actively to enforce the law, and when police did try to maintain law and order this often was not done in a neutral and impartial manner."<sup>6</sup>

#### THE POLICE AND THE COMMUNITY

While the professional police model may have served a vital role in helping to reform departments that were corrupt and inefficient, it is clear that it was inadequate in addressing the problematic relationship of the police and the community in urban areas. In fact many of the Commissions recognized this fact when they observed that most police departments were isolated from the communities they served. More humanitarian responses were recommended as well as the hiring of additional minority members. In particular, these Commissions all called

for better "police-community" relations.

But what did better police-community relations mean? It was not really a new idea; in fact, Sir Robert Peel in the early 1800's felt that the manner in which the police were viewed by the community would affect the degree of cooperation that they were likely to receive. In talking about what attributes contributed to a good policeman he said that "no quality is more indispensable than a command of temper; a quiet determined manner has more effect than violent action."<sup>7</sup> Vollmer likewise believed that when social conflict arose it was vital that the police be perceived as neutral by the community.<sup>8</sup>

In the 1940's, with the first large influx of American blacks from the South to the North, there was an initial concern about potential conflict between blacks and whites.<sup>9</sup> The concern was reflected in the development by university professors of courses in human relations, such as "The Police and Minority Groups." One such course was developed by Joseph D. Lohman of the University of Chicago, who taught this course at the Chicago Park District Police Training School. The reason for the course was stated by Lohman:

All of us have our jobs to do and unless we can do them with a minimum of friction and conflict, the very fabric of society will be so vent and torn as to be beyond repair. Indeed, it is questionable whether a democracy can even continue to exist unless it develops a means for peacefully mediating these differences... not only individuals but also nationality and racial groups are in competition with one another as they strive...to improve their economic and social status. It is almost inevitable that such competition for jobs, a place to live, access to higher social position and the struggle for a generally higher plane of living will bring about some measure of conflict; and each in our separate ways will seek to retain whatever superior advantages we may already possess... There are two essentials in the encouragement of the (police) professional attitude as it affects race and

minority group problems: First, there must be brought into clearer relief the nature of the race and minority group tensions with which a police officer may be confronted... Second, the individual police officer must possess the most accurate and authenticated information on the nature of racial, nationality and religious differences. He must understand the reasons for discrimination and bigotry. In addition, he must possess the best knowledge available regarding ways in which the police officer can function when incidents occur and in situations of great tension.<sup>10</sup>

In 1952 Lohman went on to conduct a national seminar on "The Police and Racial Tensions" at the University of Chicago in which a number of police officers attended the three week long program.

In 1955, with the urging of the National Conference of Christians and Jews (N.C.C.J.), a National Institute on Police and Community Relations was established at Michigan State University. Here representatives of law enforcement and the N.C.C.J. met to discuss police-community relations. The ideals of the program stressed a "police-citizen partnership in crime prevention, better communication, enhanced cooperation, improved police-community relationships, and a desire to strengthen implementation of equal protection under the law for all persons."<sup>11</sup>

While programs such as the one developed by Lohman and the National Institute at Michigan State were noteworthy for their sensitivity and far-sightedness, they were the exception rather than the rule and were generally viewed by police as tangential to contemporary American problems. It was not until the riots and violent disorders of the mid-sixties that there was widespread recognition of precisely how acute the problem of the relationship of the police to the community was. Most Commission reports sounded a basically similar theme. The following passage from the Crime Commission Report (1965) is typical of the Commission studies:

The need for strengthening police relationships with the communities they serve is critical today in the nation's large cities and in many small cities and towns as well. The Negro, Puerto Rican, Mexican-American, and other minority groups are taking action to acquire rights and services which have been historically denied them. As the most visible representative of the society from which these groups are demanding fair treatment and equal opportunity, law enforcement agencies are faced with unprecedented situations on the street which require that they develop policies and practices governing their actions when dealing with minority groups and other citizens.

Even if fairer treatment of minority groups were the sole consideration, police departments would have an obligation to attempt to achieve and maintain good police-community relations. In fact, however, much more is at stake. Police-community relationships have a direct bearing on the character of life in our cities, and on the community's ability to maintain stability and to solve its problems. At the same time, the police department's capacity to deal with crime depends to a large extent upon its relationship with the citizenry. Indeed, no lasting improvement in law enforcement is likely in this country unless police-community relations are substantially improved.<sup>12</sup>

Police departments across the country which were badly shaken and startled by the civil disorders took a hard look at themselves. In the wake of this violence, attention to police-community relations became the buzz words for the sixties. A proliferation of programs began to emerge as department after department developed police-community relations programs.

Police community relations (P.C.R.) efforts may be collapsed into three basic categories: attempts to improve communication between the police department and the community, efforts to improve the image of the police department, and strategies to change police attitudes through training and education. In the first case police departments began providing community groups with police experts to speak on crime prevention techniques (such as burglary prevention, car theft, self-defense) or

talk about crime issues such as drug abuse, the criminal justice system, etc. Communication tended to be one-way in which the police lectured on various topics.

The second group of activities involved efforts to enhance the image of the police department. These strategies were by far the most popular and amounted to public relations efforts aimed at dramatically altering the view of the department in the community's eyes. Examples of this program were Philadelphia's "Operation Handshake" in which new policemen were assigned to visit high-crime neighborhoods and get to know the residents. In Dallas and San Francisco, P.C.R. units helped organize sports teams. Other cities attempted ride-along programs and worked with neighborhood associations to advise the police on community concerns. Whereas the first group of activities were one-way forms of communication, these efforts attempted to develop a dialogue with community residents.

The third type of P.C.R. programs involved training courses to familiarize the police officer with the latest issues in sociology, psychology, and human relations. For example, it was not uncommon to hear about police officers who attended "sensitivity training" to alter their attitudes about the community and particularly about minorities. In Columbus, Georgia police officers participated in a training program that sensitized officers to dealing with different groups.<sup>13</sup> Temple University conducted human relations training for the Philadelphia Police Department,<sup>14</sup> and Lane County, Oregon officers went through a similar program.<sup>15</sup>

In a different type of approach, but also aimed at changing attitudes toward minorities, several communities attempted to involve officers directly in the community. One of the most interesting was in Covina,



California where police officers were assigned as participant observers on skid row to observe behavior, or in Dayton, Ohio, where police officers went away on "retreats" with blacks from the community.<sup>16</sup> Other P.C.R. efforts have included minority recruitment, increased screening of police applicants, civilian review boards, and the establishment of an ombudsman to hear citizen complaints.

#### POLICE-COMMUNITY RELATIONS - A CRITIQUE

Practically all assessments of police-community relations units indicate that they have failed to achieve their stated goals. Niederhoffer has concluded that, in spite of the vast resources and time that have been committed to community relations programs, they have been unsuccessful because "community relations programs are confronted with the awesome task of changing attitudes, behavior, and people, and like other institutions, the police have failed to solve society's basic problems."<sup>17</sup>

The most troubling aspect of most police-community relations efforts has been a failure to differentiate the objectives of public relations from community relations. Whereas the latter seeks a genuine dialogue between the police and the community over problems of mutual concern, the former assumes that the difficulties are due to a poor police image and that what is needed is a change in appearance, rather than substance. As one Commission report concluded:

...Emphasis on public relations will often lead departments to mistake the nature of the problem as merely a failure to communicate the correct police image to the public. Needed community relations personnel are then used for purposes of preparing press releases and giving speeches to community groups and others will become convinced that the department is not willing to face up to the serious community relations problem.<sup>18</sup>

This view is amplified by Bruce Terris who takes this one step further by challenging the notion that problems in police-community

relations can be attributed to poor communications between the police and the public. The irony, Terris says, is not one of poor communications but rather that the public may know too much, since crime rates and the concentration of police officers is inordinately high in poorer sections of the city.<sup>19</sup> The problem is not a lack of knowledge about the police, but that their encounters are so frequent that a well dressed P.C.R. sergeant speaking on crime prevention at a local church does little to neutralize the hostility that citizens feel in their everyday street interactions with local patrolmen.

The lack of success of most police-community relations efforts must also be attributed to the mixed messages that P.C.R. officers receive from their own department. Born out of crisis, and quickly put together to offer a department response to a particular problem, they have found themselves undergoing an identity crisis within their own department. The lack of commitment from top police administrators has been clearly communicated to the P.C.R. units by the low budgets they receive, the large percentage of black officers, and training programs which stand apart from the general Academy curriculum.<sup>20</sup> The indifference of the police administrator becomes quickly apparent to the rank and file, who find that such programs appear to be "dabbling in social work" or "negotiating with persons hostile to the police."<sup>21</sup> A national survey by the I.A.C.P. found that most police officers view community relations work as in fundamental conflict with the tasks assigned to them.<sup>22</sup> One of the most successful P.C.R. efforts was the San Francisco Police Department unit which was highly regarded by the community; however, its effectiveness was severely reduced when the Chief's enthusiasm for the unit diminished because of the internal hostility that many department

officers had for the unit that appeared to be too sympathetic to the community.<sup>23</sup> Reason and Wirth note the built-in conflict that most P.C.R. programs naturally engender:

While police-community relations has been heralded by some as a panacea for the conflict of recent years, it remains to be seen whether such efforts can establish more viable and harmonious relationships between conflicting and antagonistic segments of society. It may be that such units will have difficulty making any gains in rapport externally without losing ground within the department. Unit survival may necessitate pleasing all parties except those for whom the units were ostensibly established, e.g. disaffected and antagonistic youth and minorities.<sup>24</sup>

But perhaps the most significant structural flaw in the police-community relations movement is that, with few exceptions, programs have been established which are separate from the basic functions of police work such as patrol, crime prevention and investigation. Police-community relations has become secondary to the everyday work of the department. Terris notes, "a few hours or days of community relations training are rarely effective when the officers sense that what they are being taught is inconsistent with the basic ethic of the department."<sup>25</sup>

What many proponents of police-community relations have failed to recognize is that the overly used perception of the police role as one of an occupying army may be outdated, as community leaders have come to recognize that most crime problems are caused within the community and what is needed is not less policing or overpolicing but better policing. As James Q. Wilson has pointed out, the P.C.R. movement's focus on better communications between the police and the community, while well-intentioned, is seen by both the police and the community to be inherently superficial and not related to everyday street encounters.<sup>26</sup> For the most part police-community relations have not been taken seriously

because they have glossed over real community concerns.

#### A NEW PERSPECTIVE

The key theoretical question that has been largely ignored in most P.C.R. efforts is whether the traditional forms of policing: prevention, investigation, and apprehension, can be applied, and this is the key element, to an issue of significant citizen and police concern to produce a result which will have prima facie significance to both the community and the police. This is to say, can the police, by their actions, elevate a problem of community concern to one of police concern and thereby assume a new role of protector rather than enforcer? The key to this perspective is that improved police-community relations is a by-product of good police work rather than a superficial goal. In this way the actions of the police are both substantive and genuine. Can the police become moral entrepreneurs and advocates of mutual police-community concerns? Instead of the defensive ethos that has so often characterized the police, this model would enable the police to be viewed as being "on the side of the angels," and therefore assume a partnership rather than an adversarial relationship with the community. If successful, this model would have serious public policy implications for criminal justice planners and would be a valuable adjunct to the professional model of policing.

The thesis is a study of how an institution deals with conflict. It takes the position that the police, as the primary agents of social control, can significantly affect the quality of life in our cities. It suggests that both the professional model of policing and community relations efforts have failed to adequately address the substantive concerns of a certain victimized segment of the community. It proposes an innovative form of policing that elevates the plight of victims of

racial violence and places the police in the position of being moral entrepreneurs.

### ORGANIZATION OF THESIS

To better understand this reform, the author has studied racial disorder in Boston in the aftermath of desegregation and the development of a policy and strategy to respond to it. The research is divided into three major sections. The first section provides an overview of the climate of violence beginning in Boston in 1975. The research examines the work of the Lawyers' Committee for Civil Rights which extensively documented a number of racial incidents and represented minority families who were the victims of racial attacks. The community of East Boston is examined because it was the setting for several precedent setting cases. The next chapter outlines the mounting pressure on the police department to deal with this violence more effectively. The last chapter in this section reviews the development of an innovative police policy and the creation of a centralized unit to specifically deal with racial violence.

In the second section of the thesis, the author examines the strategies and impact of the unit and how it goes about its work. The research focuses on the operating procedures of the unit and the reporting mechanisms within the department. In the next few chapters the author examines the methods which are used to impact on racial violence. Case studies are presented to illustrate the work of the unit. In the last chapter of this section, an analysis is made of the level of reported racial violence from 1979 to 1983, as well as a critical assessment of the possible impact of the program on racial violence.

In the third and final section of the thesis, the theoretical, social and policy implications of the program are examined. The author reviews

the key theoretical underpinnings of this policy. The Boston experience is put in some perspective as a review is made of other cities' attempts to deal with the same problem. Finally, the major dilemmas of this program are highlighted, and the relevant policy implications for urban planners are presented.

#### RESEARCH METHODOLOGY

In examining this subject, the writer has spent over eight years in the Boston Police Department. He began his work with the department as a student intern in 1976 and served initially in the Police Academy and later worked in the Office of the Police Commissioner. In 1978 he worked closely with a group of officers who were to become what was eventually called the Community Disorders Unit (C.D.U.). As a civilian participant observer in the unit he suffered some of the insider-outsider dilemmas about which Robert Merton has so aptly written.<sup>27</sup> This unique role did, however, provide him with an opportunity to occasionally stand back from the unit and get some needed perspective. This research is, therefore, a reflection of field observations, analysis of official records including reports, court documents, and case studies, as well as interviews with numerous individuals. The author has done traditional library research as well as canvassed major cities in the country in an effort to learn of their efforts to deal with racial disorder. Most of the names and some of the places in the study have been changed out of a concern for their right of privacy. (For some additional thoughts on the research methodology and associated issues see the Appendix.)



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SECTION ONE: BACKGROUND AND SETTING

In this first section we will examine the climate of violence in the aftermath of the implementation of school desegregation. Beginning in 1975 and continuing through 1978, the violence which centered on the schools began to shift to the neighborhoods. In examining this violence, we will focus on the community of East Boston, which stood out as one in which racial tensions were acutely high. And while racial violence was a city-wide problem, the cases in East Boston proved to be a watershed in the history of racial violence. Within this context we will review the response of agents of social control, the role of various advocacy groups, and the creation of a new policy to impact on this problem.



## CHAPTER 1: THE VIOLENCE

### THE CLIMATE OF BOSTON IN THE 70'S

Although Boston, like other urban areas, experienced civil disorder and rioting in the mid-sixties, it never approached the widespread violence of cities such as Watts and Newark. The damage in Boston was largely confined to one section of a predominantly black community.<sup>1</sup> This is peculiar, given a persistent historical pattern of discrimination in housing, jobs and schools. It is apparent that, while the minority community of Boston experienced many of the same frustrations and aspirations of their counterparts in other major cities, the response in Boston was noticeably more measured.

But, Boston, like other major cities, was beginning to change by the middle 70's. The migration of blacks that had impacted on other Northern cities began to be realized in Boston. The prediction of the Kerner Commission of the nation moving toward two increasingly separate Americas, one black, one white, could be seen in Boston. Between 1970 and 1980 the white population had declined by 130,772 persons, or 25 percent, while the black population had grown by 21,522, an increase of 21 percent.<sup>2</sup> While blacks made up only 22 percent of the city population, 44 percent of all public housing units in the city were occupied by minority families.<sup>3</sup> It is not surprising to observe that with this rapid change has come racial disorder. Gary T. Marx and others have observed that "racial disorders are more likely during periods of social change - as the increased indignation of the oppressed confronts the threat to the status quo felt by the dominant group."<sup>4</sup>

This period of social change was dramatically exacerbated by the 1974 decision of a federal judge to order Boston's schools to desegregate.<sup>5</sup> Although it had been twenty years since the Supreme Court had decided Brown v. Board of Education,<sup>6</sup> which invalidated the concept of separate but equal education, deliberate political inaction orchestrated by the Boston School Committee kept Boston's schools segregated. Forced busing, as it came to be called by those opposed to the court order, began in 1974 over the objections of most political leaders in Boston.

The first year of desegregation (1974) was punctuated with numerous demonstrations by the anti-busing movement. A climate of resistance was the backdrop for a number of physical confrontations in and around the schools between blacks and whites. Rock throwing at buses, assaults between students and teachers became daily occurrences. Threats, harassments and vandalism, all of which were racially motivated, became commonplace. While numerous arrests were made in connection with these incidents, few if any youths received any punishment from a local court system which mirrored the attitudes of the larger white community. By 1975 the violence unleashed by the implementation of busing began to shift from the schools to the neighborhoods. It is here that this thesis begins.

Significant in an analysis of the racial violence is an awareness that, like the schools, the neighborhoods tended to reflect color lines. The available housing supply has remained relatively fixed for low and moderate income families, while the city maintains an equally low vacancy rate. This has produced a situation in which lower income families, both black and white, have been forced to compete for the same available housing stock. The irony is that, rather than challenging elected

officials for better housing, these poor groups, similar in major ways except skin color, have been pitted against one another.

As the number of minority citizens increased, there was a concomitant increase in the desire for attractive housing in the city, and this usually meant in areas which were predominantly white. Desegregation of the schools had provided the context within which it was thought that it was also possible to live in an integrated neighborhood. While the conflict was still brewing in the schools a new conflict was unfolding - the neighborhood.

The conflict over the schools had an escape clause - whites could simply take their children out of public schools and place them in parochial or private schools. No such remedy was immediately possible for whites that felt threatened by the new arrival of blacks in their neighborhood. High interest rates and the relatively small amount of moderately priced housing within the city made resettlement almost unthinkable. So, while many whites might pull their children out of public schools, they would be "forced to fight" to preserve their neighborhoods.

The violence engendered by the school conflict would be minor compared to the violence that would occur in the neighborhoods. While the attacks in the schools tended to be spontaneous and usually short in duration, the attacks in the neighborhoods were sometimes planned and frequently serious. Against this climate of conflict the police would be singled out to serve as peacemakers to preserve the order. How they did their job would have a dramatic and recognizable impact on the quality of life for many families, both black and white.

The most profound impact of court ordered desegregation was a new

awareness of race. One might argue that an unintended consequence of desegregation was to make previously moderate blacks and whites both resentful and angry. Whites would ask themselves, why should I send my child to an inferior school? And for blacks the question would be, what have we done that we are to be subjected to such hatred and contempt? This new racial awareness had a profound effect, not only for blacks coming into a predominantly white neighborhood, but for whites traveling through black sections of the city. It was not uncommon for news of one incident in one part of the city to trigger an incident in another section. A new heightened sensitivity about race had emerged. Let us look to East Boston in the summer of 1975 to understand this better.

#### THE LAWYERS' COMMITTEE

In the fall of 1976, a group of attorneys primarily from the Lawyers' Committee for Civil Rights under law of the Boston Bar Association (hereafter referred to as the "Lawyers' Committee") began to closely monitor the incidents of violence directed at minority citizens of Boston.<sup>7</sup> The Lawyers' Committee believed that incidents of attacks directed at minorities had significantly increased and that law enforcement agencies were not addressing the problem.<sup>8</sup> A review of police incident reports and newspaper clippings, as well as documents prepared by the Lawyers' Committee, demonstrates that, in East Boston alone, a significant increase in attacks occurred beginning in 1975. The Lawyers' Committee represented a number of black East Boston residents who were victims of harassment and attacks by whites. The Lawyers' Committee stated in an affidavit:

Based on the newspaper articles and other accounts I have collected, it is apparent that the community of East Boston is particularly one in which racial

attacks have regularly and persistently occurred over the years. These acts of violence and harassment have been and continue to be directed primarily at blacks and Hispanics residing in Boston Housing Authority ("B.H.A.") and other public housing units and minority civilians and members of the armed services (Navy) travelling through East Boston and, for example stopping at the M.B.T.A. Station.<sup>9</sup>

A review of the affidavits filed by minority victims for the Lawyers' Committee, as well as reports in local newspapers, indicated an acceleration in both number and intensity of attacks against minorities in East Boston beginning in 1975. The pattern of viciousness quickly becomes apparent as one reviews not only the experiences of new minority residents of East Boston, but also the problems of minority residents who have lived in peace in East Boston for years. In order to understand the extent of this problem, it is vital to review a number of cases which were reflective of a concerted effort to drive minorities out of East Boston.

In May, 1975 five Puerto Rican families moved into a housing project in East Boston, and on the very same night that they had moved in, their apartments were firebombed and stones thrown by a crowd of bat-carrying young white men. "In one day and out the next," bragged one youth about the five Puerto Rican families he'd helped drive out of the housing project.<sup>10</sup> According to news accounts of the incident, most of the residents were afraid to talk to the police for fear of retaliation; however, one reporter did talk to a resident who claimed to be part of the crowd responsible for the rock throwing and firebombing incident, and he told the reporter why it had happened. "I'll tell you why we did it," said one. "We like the project the way it is. We don't want any spics moving in." "They'd try and take over the whole project," said another.<sup>11</sup>

Ellen Mason was a member of the Massachusetts State Board of Education. Rose Marie Leone was another East Boston resident who was active in the desegregation issue. Both Mrs. Mason and Mrs. Leone, life-long residents of East Boston, were harassed and terrified in their own homes after their views on busing became known.<sup>12</sup> Mason received a number of threatening phone calls. On March 14, 1975 a caller asked, "Where's Ellen? Out getting laid by a nigger?"<sup>13</sup> She was harassed at a public meeting in which anti-busing demonstrators took up a chant, "Put Ellen Mason on a bus." On Tuesday, May 26th, she received a telephone call in which the caller said, "We're going to blow up your house."<sup>14</sup> On May 27th, her husband took another call from a woman asking for Ellen.

"She's at work," he said.

"What time is she going out tonight?" asked the caller.

"Who the hell is this?" asked Mason.

"Tell her she's going to get shot." said the voice.<sup>15</sup>

On May 30th Mrs. Leone answered her telephone and heard a woman's voice tell her, "I know where you live and I'm coming to kill you." During the next four days Mrs. Leone received 29 obscene or threatening telephone calls, including one asking about the health of her mother, who lived in a ground floor apartment below the Leone's. At 2:15 a.m. on June 2nd, someone threw two half-gallon jars of paint through her mother's bathroom and living room windows. A short time later, Mrs. Leone received another call. "How's your mother?" asked a voice.<sup>16</sup>

On May 25, 1975, a black resident of East Boston called police to report that a firebomb had been thrown through his window. During the evening of the same day, Mrs. Anne Smith, a black resident, received a threat on the telephone stating that her apartment was going to be

firebombed.<sup>17</sup>

On the night of August 25, 1975, a group of white youths roamed both the public housing projects of East Boston, harassing and threatening blacks and breaking their windows. Some of them carried bricks, rocks, and bottles.<sup>18</sup> On several occasions that night, Anne Smith heard white kids in these groups shouting things like, "We're going to get all the niggers." On another occasion that night, Mrs. Smith saw one white kid yelling out to the others in a group the numbers of certain apartments in the projects and directing people to various roofs. The apartment numbers involved were all the apartments of black families in the projects. Many of the white youths were armed with weapons, such as rocks and bottles. That very night many black families were singled out and had their windows broken. Some rocks were thrown at Mrs. Smith's windows but missed and broke her neighbor's window instead.<sup>19</sup>

What followed next was a series of incidents which would galvanize not only the black community of East Boston but would generate considerable attention and draw together civil rights advocates from the greater Boston community. On the night of August 25, 1975, a group of black and white youths fought in the courtyard of a housing development in East Boston. As police sought to disperse these groups, a number of blacks walked to the home of Mrs. Smith. The police at the scene said that rock-throwing continued from both sides between 1 a.m. and 4 a.m. Police arrested two white youths during the incident. Police reported that most of the windows in Mrs. Smith's two-story apartment were broken.<sup>20</sup> Mrs. Smith also observed a man in the crowd with a rifle and saw police officers talking to the man but not arresting him or taking the gun away.<sup>21</sup> According to reports in the media, police entered Mrs.

Smith's home at 4 a.m. when it appeared that a group of approximately 15 persons who remained with Mrs. Smith decided not to leave. "They kept throwing rocks from a doorway and then darted back into Mrs. Smith's apartment. We had to do something, and when they refused to leave we moved in and arrested them," said a Boston Police Sergeant.<sup>22</sup>

Seven people were arrested as "Disorderly Persons" at the home of Mrs. Smith - including Mrs. Smith. These seven defendants, charged with disorderly conduct, some of whom had never been arrested before, were given six-month sentences. The sentences, which were appealed, represent the maximum penalty under state law for disorderly conduct charges.<sup>23</sup> Also that night, the windows of two other black families were smashed during the disturbance. All of the windows of the first floor apartment of Mrs. Howe were broken. According to Mrs. Howe, this was the first time that such an incident had occurred in the eight years she had lived in East Boston.<sup>24</sup> These incidents resulted in a civil suit filed in the Boston Housing Court in which the court found that Smith, Howe, and others had been the victims of "physical violence, extreme harassment and vandalism," during the morning hours of August 26, 1975.<sup>25</sup>

The judge went on to state in his decision:

... the Boston Police Department responded to those disorders with a limited and not very visible police presence and by dispersing the perpetrators and arresting two of them, all of which had no effect, and then by arresting one of the named Plaintiffs and several of her friends in her apartment in order to remove them from the center of the disorders. That named Plaintiff and her friends were apparently the primary target of the perpetrators of the violence, extreme harassment, and vandalism.

While limited, not very visible police presence with few or no arrests may be an appropriate response (which is debatable) to a street disorder, it is totally unreasonable police response to physical violence,



extreme harassment, and vandalism perpetrated upon persons in their homes.<sup>26</sup>

In an unprecedented action, the judge ordered the Boston Police Department to provide 24-hour protection "to the persons and residences of the named Plaintiffs and of the class which protection shall include the continual presence of one or more police officers or security guards in the immediate vicinity of each residence and sufficient numbers of police or guards in the area around the residence in order to deter persons intent upon perpetrating physical violence, extreme harassment and vandalism away from the residences."<sup>27</sup> For a judge to dictate to a police department precisely how and where it is to deploy its officers was viewed by the police department as a grave encroachment of its' traditional control over deployment of officers. In the larger community it was perceived as a direct criticism of the police department for its' failure to protect minorities unless ordered to so. The police department appealed this decision and it was eventually overturned.<sup>28</sup> However, this case brought significant attention and credibility to the plight of minorities, and brought into question the performance of the police in racially motivated crimes. For these reasons, it was a significant turning point in the story of racial violence in Boston.

Prior to the implementation of this court order for 24-hour protection on September 3, 1975, a number of incidents continued to occur to minority families living in the East Boston projects. On August 26, 1975 Mrs. Howe's house was stoned. On the evening of August 26, 1975, Mary Hart, a white tenant, and a friend of Mrs. Smith, and her husband were attacked by a group of youths when they attempted to help a black tenant who was being harassed.

On August 27, 1975 a violent confrontation occurred when a group of

white youths threw a cement block through the window of Robert Pell, a black man residing at the project. Pell and his nephew Gary Jones came out armed with a gun and confronted the gang. A confrontation ensued, and a white youth was shot in the foot. The police apprehended Gary Jones as he fled up the stairs in possession of a shotgun and arrested him for Assault With Intent to Murder. Another white youth identified Pell, and police returned and arrested Pell for Assault and Battery With a Dangerous Weapon. None of the white youths were charged in connection with this crime.<sup>29</sup> Both Pell and Jones were convicted in Suffolk Superior Court; however, their cases were appealed to the Massachusetts Supreme Judicial Court which ordered new Superior Court hearings to decide whether "racial motives and selective prosecutions" were involved in the convictions. Pell and Jones had appealed their convictions, charging only black persons were arrested on serious charges during almost two years of violent confrontations between blacks and whites at the housing project.<sup>30</sup>

Incidents of racial unrest continued that summer in East Boston when white teenagers broke the window of a car owned by a black resident of the project. One white youth proclaimed that "All of the niggers were going to get it."<sup>31</sup> The youth was heard to say that all the apartments occupied by blacks were going to be firebombed. In September there was an attempt to set fire to the home of a black woman living in the development. She had previously had her windows broken by a group of white teenagers. Several days later her daughter received a number of threatening phone calls. The caller asked, "Did you get the message?" and then hung up.<sup>32</sup>

A review of the incidents in East Boston for 1976 and 1977 reveals a

continuation of the pattern of racial harassment directed at minorities in East Boston.<sup>33</sup> One did not have to even live in East Boston to be a victim, all one had to do was to be black and visit East Boston. Witness what happened to an 18 year old black man who was working in a local neighborhood facility as a tutor of retarded children. As he walked to the local M.B.T.A. station, he observed a number of white youths following him. He states:

I was walking toward the station, and about six of these kids were following behind me. Suddenly, another one came running toward me, and hit me in the face. Then they were all on me.

They got me down, and started to kick me and knock my head against the pavement. I didn't resist much because there were too many of them. Finally they left me there, throwing a beer can at my head as they left.<sup>34</sup>

A second incident occurred that same night only two hours after the previous incident very close to the same spot where the previous incident occurred. A black resident of Roxbury was again attacked by a group of white youths. A witness to the attack, who was a long-time resident of East Boston, helped stop the attack. Said the witness:

I felt sick when I saw what they were doing to that guy. His face was smashed so bad I could hardly tell what he looked like.

He was hit with a golf club as he left the bus and then all ten of them closed in on him, got him on the ground and began kicking him. One guy jumped off a wall and hit him in the face full-force.<sup>35</sup>

At this point, the witness and his companions entered the scene and the attackers fled; the witness said, "I couldn't sleep...I kept thinking about what they had done to that poor guy... They might have killed him if we hadn't stepped in."<sup>36</sup> Both victims were treated at nearby hospitals and later released.

The attacks continued, with Mrs. Smith having more of her windows broken, another black man beaten at the train station, and assorted acts of violence directed principally at black residents of the housing project. In May of 1976 eleven black families living in the housing development asked the Boston Housing Authority to transfer them to other projects where they would not be threatened.<sup>37</sup> There were approximately twenty black families living in the development. Among those to leave were the Smith and Howe families. One black resident, with assistance from legal aid lawyers, pushed for and was successful in pressuring the Boston Housing Authority to bring complaints against six of the individuals involved in most of the acts. It is interesting to note, and a point which we will return to later, that the complaints against the white individuals were initially denied when the black tenant attempted to bring them herself (the Clerk of the Court insisted that it was necessary for the Project Manager to sign them.) and were only granted when the woman won from the Boston Housing Court an order for the B.H.A. to sign the complaints or explain why it had not.<sup>38</sup>

Threats, intimidation, and harassment continued for those black residents left in the project after the other families had moved. A new element of this violence was aimed at black sailors who happened to be in East Boston because their ship was docked at the local shipyard, and they were frequently subjected to racial remarks and the target of rocks and bottles. On July 21, 1976 a black sailor from the U.S.S. Kingsport was attacked by two white youths and was treated for facial lacerations. This persistent pattern of racial violence continued in East Boston well through 1977 and into 1978.<sup>39</sup>

CHAPTER TWO: MOMENTUM FOR CHANGE

As one reflects back on the summer of 1978 it becomes clear that a set of events and circumstances occurred which would significantly alter the manner in which future racial incidents in neighborhoods would be handled. A group of professionals would be motivated to act for very different reasons, to achieve the same goals. In this way a consensus for change would be achieved.

Most of the major civil suits brought since 1975 on behalf of minorities in East Boston were done by the Lawyers' Committee for Civil Rights. Each case was noteworthy for documenting the systematic attack on minorities in East Boston. New ground was gained in each case for the plaintiffs which forced the defendant (the City) to become more accountable for its action. In the Smith case the city was forced to provide 24-hour police protection for the minority plaintiffs. A temporary restraining order was issued August 26, 1976, followed by the issuance of a preliminary injunction on September 3, 1975. The injunction remained in effect until December, 1977, when the case was settled. In another significant case the trial judge found considerable evidence of a concerted effort to drive minorities out of East Boston:

...the court is satisfied from all the evidence that on several occasions from August, 1975 until April, 1976 while all or most of the plaintiffs resided at the project in East Boston, certain white youths, including certain of the defendants, acted in concert, engaged in the throwing of rocks and other missiles at and into premises occupied by some of the plaintiffs, and vilified several of the plaintiffs with racial slurs and insults.

At least on one occasion certain of the defendants

threatened to drive black tenants out of East Boston, and on another occasion several unidentified persons attired in the infamous white costume of the KKK were observed at the housing project. While the testimony was sketchy in parts, the plaintiffs made sufficient showing that white Americans, including certain defendants, acting in concert, by threats and intimidation have interfered with the lawful occupancy by Black Americans of dwelling units in the housing projects of East Boston and the inference is at least warranted that the threats and intimidation were made for the purpose of forcing Black Americans to vacate the projects.<sup>1</sup>

Drawing on this significant court case the Boston Housing Authority brought suit against these same defendants in the Boston Housing Court and was successful in persuading the court to order the defendants to "remove themselves from the development, to stay away from that development and not go there for any reason."<sup>2</sup>

And finally in the Jones case the Lawyers' Committee was able to overturn the conviction of two black defendants who had been convicted of crimes for which few, if any, white defendants had been charged. The inequity of the lower court decision was reflected in the Supreme Judicial Court's decision which reversed the criminal convictions due to the trial court's failure to consider the defendant's evidence in support of a claim of selective prosecution.<sup>3</sup> In deciding this case the court appeared to side with the Lawyers' Committee which was representing the defendants. Their argument as quoted in the S.J.C. decision, summed up the prevailing system of justice in East Boston in 1975:

In April of 1975, gangs of white youths began roaming the housing project, stoning the homes of black residents, breaking their windows, firebombing their apartments and assaulting the blacks themselves. When asked to make arrests, the police refused and, in some cases, did so mockingly. When the black residents sought to have complaints issued in the East Boston District Court on their own, the clerk first held hearings and then refused, although he routinely issued complaints against black persons without

hearings when such complaints were sought by whites. Fearful of the white gangs and afraid that the police would not protect them, some of the black residents invited friends to their homes hoping their presence might provide some measure of protection. These people also became the targets of white violence and the objects of police persecution rather than protection.<sup>4</sup>

At the same time that these cases were being litigated, the Lawyers' Committee, as well as the Coalition was meeting with city and state officials over what they considered to be an unsatisfactory response by law enforcement agencies.

...the ineffectiveness of the actions of various public law enforcement agencies in abating, investigating and eliminating these acts led the Coalition to seek direct access to the highest law enforcement officials in the City and in the Commonwealth. Our clients had persistently informed us that their requests for protection and safety in their homes had gone unmet, that investigations of the incidents had not occurred, and that official response had been characterized by statements such as, "this is a problem of kids, who turn to vandalism at times. There's nothing we can do."<sup>5</sup>

The Lawyers' Committee and other interested attorneys met with the Attorney General of Massachusetts in December of 1976. At this meeting the Attorney General was made aware of the fact that almost twenty (20) black families had been forced out of East Boston and that the police had been unsuccessful in dealing with racial violence. In response to these concerns the Attorney General discussed the formation of a new unit within his office which was known as the Suffolk County Special Violent Crimes Unit. It was established primarily to respond to incidents of violence and terrorist activities in the Boston area but also to identify and prosecute those crimes which had race as a motivating factor. (Although this Unit was responsible for prosecuting several of the defendants involved in East Boston racial incidents, its broad mandate

and severely limited resources as well as its reliance on numerous outside agencies, resulted in the unit dissolving less than a year later.)

At this meeting with the Attorney General, the Lawyers' Committee, as well as members of the Attorney General's own staff, raised concerns over what they perceived to be the ineffectiveness of the Boston Police Department in responding to and investigating racial incidents. As a follow-up to this meeting the Lawyers' Committee wrote to the Attorney General reiterating their displeasure with the police department and recommending ways to improve police department performance.

... At the December 21 meeting, various individuals cited as a major roadblock to the successful investigation of crimes of racial violence the lack of coordination and direction within the Boston Police Department. This problem surfaces at the outset, in the failure of district police officers to properly identify a case as one involving racial motivation, and it continues throughout the investigative stage, wherein the cases are apparently inefficiently handled, treated as petty offenses and/or pursued without special sensitivity.

Because successful investigation of racial incidents often depends on swift, vigorous investigation, we suggest that the Boston Police Department create a special division (funded perhaps by an independent grant from L.E.A.A. or other appropriate source) whose sole function would be the handling of violent racial crimes. The division should have city-wide jurisdiction, be directly responsible to the Commissioner, have an inter-racial staff which includes investigators and undercover officers and operate a 24-hour hotline. In the beginning stages of the division's operations, it should monitor and evaluate all incident reports to develop on the part of district field officers sensitivity to and consistent reporting of racial incidents. Once this has been accomplished, only those reports indicating racial motivation would be forwarded to the division for it to be investigated.

... The Commissioner should establish as a top priority and as a source of Departmental recognition and reward the successful processing and investigation of these crimes (without, of course, creating incentives for improper, overzealous action). Absent a forceful and



committed direction from the Commissioner, the most sophisticated system for treating these matters will fail.<sup>6</sup> (Underlines added)

The Attorney General, while seemingly sensitive and supportive of the advocacy group's concerns, was also sensitive to the symbiotic relationship between law enforcement agencies. Even the Attorney General did not want to be perceived as telling the Boston Police Department what to do. What is interesting is that even though a discussion allegedly took place at that meeting concerning the "ineffectiveness" of the Boston Police Department in handling racial incidents and was subsequently put in writing by the Lawyers' Committee it was necessary for a law enforcement official to modify and refute in writing these remarks.

... In closing I think it is necessary to clarify what were given as my views on the role and attitude of the Boston Police Department. I do not regard the Boston Police Department as either "ineffective" or an "impediment to meaningfully addressing problems of racial violence." Nor do I regard as a "major roadblock" to the investigation of these cases "the lack of coordination and direction within the Boston Police Department." Those are simply not my words, and I did not state anything of the kind at the December 21, 1976 meeting. Moreover, "inter-agency cordiality" does not prevent us from communicating our views to the Boston Police Department.<sup>7</sup>

Yet, in the next paragraph he goes on to describe the problem in a more diplomatic manner:

Generally speaking, the difficulties our unit has had with the Boston Police have been institutional, and are inherent in dealing with any large municipal bureaucracy. None of our problems are insoluble from an administrative point of view.

However, as long as the Boston Police Department operates on its present severe budgetary restrictions, more acute this year than last, both the police and the prosecution are going to find it difficult to give the attention you would like to see given to cases

which are, aside from their racial aspects, generally minor cases of assault, harassment, and abuse...<sup>8</sup>

On May 23, 1977 another meeting was held at the Attorney General's office, and in attendance at this meeting was the Boston Police Commissioner, as well as other law enforcement officials and members of the Coalition. The issues that had previously been discussed concerning the uneven investigation of racial incidents were raised, and the Commissioner suggested that Robert Weiss, his Assistant for Operations, would serve as his liaison to follow-up on the discussion.

At the same time that the group was strongly advocating a more effective and professional response by the Boston Police Department, the Department was being severely criticized in the media for its performance in both preventing and investigating racial crime. For example:

The Massachusetts Black Caucus criticized the Department in 1976 for not investigating complaints of racial violence and taking a "lackadaisical" attitude toward protecting blacks.<sup>9</sup> Members of a citywide Education Coalition were equally outspoken on the Boston police. The director of the organization reported that members of her staff who were involved in the desegregation plan were harassed and threatened. "Simply appealing to law enforcement agencies," she said "hasn't been sufficient to get action."<sup>10</sup>

One black resident of East Boston said "If the police were half as efficient as they claimed to have been or should have been, the situation wouldn't have gone so far." Another said, "The police aren't giving us any protection out here, so we have to defend ourselves. It's a matter of survival."<sup>11</sup>

The East Boston Community News observed that stonings of the apartments of black families continued on a regular basis for three

consecutive nights and into the early morning hours, "inspite of the presence of Boston Police patrolling the project."<sup>12</sup>

Mrs. Smith, who was forced out of her apartment said in the Boston Globe:

If the police can't handle these kids, I don't believe they want to. They won't arrest whites unless they (police) catch them in the act, but they arrest blacks on the word of a white.<sup>13</sup>

Even a district court clerk, who himself was under fire for not issuing complaints in East Boston District court against white persons, was critical of the police. When asked about the conflicting reports on why complaints were not granted, the clerk stated:

...I don't know, maybe the police don't report things the way they are. Maybe they turned their backs. Maybe they are bigots. All I can do is look at the evidence and call it as I see it. And I am not a bigot.<sup>14</sup>

After police arrested several blacks in connection with violence in East Boston a number of black families were publicly outraged.

Six black families who have been targets of racial violence in the housing project in East Boston, said yesterday they feel they have been victimized by District 7 (East Boston) police as well as white youths who threw rocks at their homes. At a press conference in Boston the families described incidents which occurred last August and last week and claimed that police acted against them rather than the attackers.<sup>15</sup>

Occasionally the public was sensitive to the difficult role that the police had in handling these incidents. As the following letter to the editor of a local newspaper indicates, the police occasionally intervened and prevented further violence.

... As for the riot on Tuesday night, the blacks threw a bomb at about 11:15 p.m. The Tactical Patrol Force (T.P.F.) were called in later and chased the majority of white youths away, which left a small amount of scattered whites. There was no favoring of black or

white. They were here to stop a rumble and they did. By 2:30 a.m., it was pretty quiet. The blacks were still congregated in and out of buildings, harassing the T.P.F. for the rest of the morning. The blacks can harass as much on the whites, and vice-versa.<sup>16</sup>

In the above letter written by the "Concerned People of the Housing Project," it is interesting to note that the perception of a more neutral response to racial conflict was achieved by the T.P.F. - a city-wide, closely disciplined unit, rather than the uneven treatment that residents complained of by district police.

It was clear that the police department was feeling increased pressure from a number of directions. The Lawyers' Committee was waging a two-pronged attack. They were representing a number of plaintiffs who were bringing civil actions against the city (in many cases the Mayor and the Police Commissioner were the defendants), and at the same time they were exercising a very aggressive lobbying effort to force law enforcement agencies, particularly the Boston Police Department, to become more sensitive to the problem. They strongly advocated a centralized unit within the police department to manage the police department's performance in investigating and preventing racial incidents. At the same time, media criticism of the department and coverage of racial incidents by the press increased. The media can dramatically influence the public's perception of crime in the way it covers various incidents. Some fifty years ago Lincoln Steffens, a young reporter, was able to create a "crime wave" by the reporting of crimes which were commonplace. A member of the police board at the time explained to the Police Commissioner Roosevelt how a crime wave comes about:

Parker, who was "wise" and liked to mystify, explained that when the crime wave (in the paper) was running high he inquired into it, not as editorial writers

did, and the jurists and the scientists; he asked for the police records of crimes and arrests. These showed no increase. It was only the newspaper reports of crimes that had increased; there was a wave of publicity only.<sup>17</sup>

While we have focused on racial violence in East Boston, it is important to state that similar violence was occurring in Dorchester, West Roxbury, and Mattapan. For example, in a section of Dorchester an Hispanic family was driven from their apartment by repeated stonings and verbal assaults. In West Roxbury, in the home where the former Police Commissioner lived, a new black family returned from a vacation to find their house had been vandalized. In Mattapan a white family who had lived in a neighborhood long after it has become predominantly black was subjected to constant harassment and vandalism. In Charlestown black and interracial couples' apartments were firebombed and stoned and their cars vandalized. In Hyde Park a black family was assaulted and called racial epithets after moving into a new home.

In response to the increased racial violence in the city's neighborhoods the N.A.A.C.P. brought suit against the U.S. Department of Housing and Urban Development to block Boston from getting some \$24 million dollars in community development funds because of a pattern of segregation in many of the city's neighborhoods. There was widespread feeling among city officials that, unless a comprehensive public safety plan was developed to protect minorities in various neighborhoods as well as in federally financed housing developments, the city would risk losing the block grant money from HUD.<sup>18</sup> The threat of losing considerable federal assistance was another motivating force in convincing department officials of the need to develop more effective strategies to deal with racial violence.

Robert Weiss, who was designated to be the liaison with the Lawyers' Committee, was a civilian Assistant to the Police Commissioner for Operations. In this capacity Weiss was responsible for managing and overseeing the Bureau of Field Services (the uniform branch of the department) and advising the Police Commissioner on policy matters. Weiss had previously been Director of the Police Academy where he had developed one of the most comprehensive recruit training programs in the country. Prior to that he had had extensive experience in Dayton, Ohio developing community relations programs<sup>19</sup> as well as with the Massachusetts State Police where he established an innovative unit that responded to crisis situations. Weiss was a bright, progressive administrator who enjoyed the full support of the Police Commissioner yet was strongly resented by the traditional command staff made up of uniform officers who had risen to their ranks and felt uneasy about a "civilian" who suddenly had the Commissioner's ear.

Weiss had brought to the Commissioner's Office as one of his key staff aides a dedicated and unusually conscientious street sergeant named John Richards. Richards was an exceptional individual in the Boston Police Department. In addition to his ability to take a very complicated problem and make sense of it, Richards had an uncanny trait which would come to give him wide credibility with almost every group in the city: his natural sensitivity to people of all kinds. As a street sergeant he had often earned the respect of those he had arrested when he was able to, by his words and actions, assure them that they would be treated fairly. At the district he was assigned, he earned the respect of the gay population by taking seriously incidents in which gays were assaulted and following-up on them. He enjoyed the respect of the officers who

worked for him as well as his superiors.

An interesting aspect of Richards' background was that he had grown up in South Boston. This is worth noting because South Boston, primarily due to being the first community to undergo busing, had developed a reputation as being anti-black. South Boston was a community which was perceived as insular and xenophobic. The media had a certain preoccupation with "Southie" as a part of the city which was "off-limits" to blacks. Richards was proud to say he was from "Southie," and he, by example, would do more to erode the negative stereotype of South Boston than an army of goodwill ambassadors.

Richards had not been in the Commissioner's Office for more than a month before Weiss gave him his most difficult assignment. Weiss wanted to know exactly what the extent of racial violence was in the city, and more importantly what the department was doing about it. Was it really as bad as the Lawyers' Committee had described it? How were victims being treated by the police? How accurately were crimes being reported? What kind of follow-up investigations were being conducted? So Richards began, in the fall of 1977, to take a hard look at the problem. What he would find would surprise even himself, a fourteen year veteran of the department.

Joining Richards on Weiss's staff was an officer named Michael Crane. Crane had worked with Weiss at the Police Academy, and Weiss brought him to the Commissioner's Office with him. Weiss had come to rely on Crane for difficult assignments. In the first days of busing Crane developed training programs to sensitize police officers to the issues involved in busing and managed to take videotape pictures of the violence that occurred in the wake of busing. Crane, a twenty-year

veteran of the department had the support of many rank and file officers as being hard-nosed but fair. Crane brought valuable street experience and uncanny insight to Weiss's staff. Crane would provide an excellent balance to the brashness that often characterized Weiss's style.

Richards and Crane began by interviewing two black families that the Lawyers' Committee had been in contact with who had experienced problems since they moved into Dorchester. They discovered that, although these families lived quite a distant apart, there were a number of similarities in each of their cases. Both families had moved into exclusively white neighborhoods, and each family had almost immediately experienced chronic problems. Each family would be awoken in the middle of the night by the shrieking sound of a window in their home being broken. The family would immediately get up and look out the window only to see a group of white youths running away laughing and yelling racial slurs. Quite often the family would discover in addition to the damage to their home that their car would be vandalized and racial epithets spray painted on their property. The family would call the police, and the police would arrive an hour or more later. When they came they would characterize the crime as "vandalism" by unknown individuals and sometimes question the victims as to why they were living in that neighborhood. In a number of cases, because of the volume and seriousness of other crimes, police cars never showed up. In almost all cases police did not get to the incident location in time to make an arrest, and rarely were these crimes followed up by detectives.

What Richards saw emerging was a consistent pattern to the violence that minorities were experiencing moving into certain predominantly white neighborhoods. Most frightening of all, once the victims had waited for the



police to come for over an hour, and after the police had finally come, the officers merely filled out a report and left. Many victims came to believe that the police were either insensitive to their plight or sided with their attackers. After a number of attacks, with the same police response, the victims stopped calling the police.

When Richards went back to headquarters he began reviewing all incident reports in 1977. He discovered that none of the incidents reported to police concerning minority victims in white neighborhoods reflected any indication of racial animus but rather were simply marked "vandalism." In almost all cases there were no arrests and no follow-up investigation. The incident report would usually read as follows:

Victim reports front living room window broken by unknown individuals. Large rock was discovered in living room.

Richards obtained a computer printout of the dates, times, and places of incidents and then interviewed black families that had recently moved into predominantly white neighborhoods. He discovered a pattern of attacks and concluded that this problem was considerably worse than the official reports indicated based on his own interviews, which revealed that, after several incidents and a perceived insensitivity from the police, victims stopped reporting the violence. The official reports reflected a small percentage of the total racial incidents which were taking place. Richards reviewed the follow-up on these cases and learned that most received no additional investigation. "Vandalism" which involves no personal injury receives a low investigative priority compared to other crimes such as homicide, aggravated assault, rape, and robbery. Further, since the decision to investigate most crimes is based to some degree on "solvability factors" (availability of witnesses who observed the crime and can identify suspects, description of vehicle used

in crime by suspects, or a distinctive modus operandi which would reveal suspect) and since vandalism usually rates low on these factors, detective supervisors rarely allocated resources to solve these crimes.

Richards and Crane met with Weiss and reviewed what they had found. The pattern of racial violence was both persistent and compelling. Victims of racial violence felt the police were totally insensitive to their plight and by their indifference appeared to side with the attackers. The violence from the attacks, coupled with the police inaction, had the effect of forcing minorities to move from areas which were predominantly white.

Weiss was uniquely suited for the role he was about to play. He had the two characteristics which would make change possible: power and knowledge. He enjoyed influence within the department, as he was well regarded by the Police Commissioner and frequently helped develop department policy. Equally important, Weiss had considerable experience in developing and implementing programs aimed at conflict resolution. Weiss was part of a new breed of police administrators that was sensitive to the complexity of police work. Police training had traditionally reflected a focus on knowledge of the law and on technical aspects of policing such as self defense, use of firearms, and pursuit driving. But, as Weiss came to find out, these skills did not equip police officers for the more sophisticated problems in policing (domestic quarrels, rape, child abuse, etc.).

Weiss believed that what was occurring to the victims of racial violence needed to be brought out in the open and dealt with in a new way. Weiss likened the police handling of victims of racial violence to the way the police had traditionally treated women who had been raped. An

entire group of citizens were being treated in a similiar manner. For a long time the police had been totally insensitive to the trauma that a woman experienced after having been raped. Embarrassing questions asked by the police and a reluctance to believe the woman often made the victim feel as though it was her fault for this vicious crime. Weiss developed a training program with role-playing exercises which dramatically altered the way police officers dealt with victims of rape.

Like victims of rape, citizens who were being subjected to racial violence looked to the police to be sympathetic to their plight and understand it for what it was. When a police officer would tell a minority citizen who had his window broken for the fifth consecutive night, after he had recently moved in, that it was "merely vandalism" and the police couldn't do anything, and they should consider moving, the victim's confidence in the police evaporated. Like victims of rape, there was a perception among minority citizens that the police were sympathetic to the assailants and questioned the victim's credibility. And like rape, because of this insensitivity and unevenness in treatment, the tendency on the part of the victims was to stop calling the police and therefore, the incidence of racial violence was considerably underreported. The actual number of official incidents reported to the police was a fraction of the total actual incidents that occurred according to the interviews that Weiss's staff had obtained from the victims.

So the problem was both apparent and compelling. Media attention critical of the department's handling of racial violence was intense. The city was faced with a N.A.A.C.P. lawsuit which was attempting to block HUD from allocating over twenty-four (24) million dollars to the

city based on the city's deplorable record with regard to desegregated housing for minorities, and the Lawyers' Committee was representing a number of black plaintiffs who were suing the city for its failure to protect them from continued violence and harassment.

CHAPTER THREE: THE EMBRYONIC STAGE

One afternoon in 1978 the Police Commissioner of the City of Boston quietly drove himself out to West Roxbury, a white middle class neighborhood in Boston. He pulled up to the driveway where the previous Police Commissioner had lived for several years before selling his home to a black family. The Police Commissioner met with the family and learned of continuous violence from the day they had moved into the home. Broken windows, threats and other crimes had become weekly occurrences in this otherwise peaceful middle class white neighborhood. And while the Police Commissioner was a seasoned veteran of the department, he was nonetheless affected by the senselessness of the violence. Perhaps the most upsetting aspect of his visit was his realization that his police department was totally insensitive to this kind of violence and consequently did little to stop it.

It was clear to him and to his immediate staff that the department, as a whole, had failed to recognize this problem. Even many of the Commissioner's own Command Staff, the so-called "bosses" of the department, seemed unaware of the extent of the problem. In the wake of court ordered busing to achieve desegregation of the schools many of these bosses were on the front lines of heated demonstrations. The stress of these days took its toll, and many walked away from these confrontations with mixed feelings; anger with the demonstrators but sympathy for their cause.<sup>1</sup> Most moved their families out of the city. When the violence began to shift from the schools to the neighborhoods their attitude might be characterized as one of indifference. That is, aware that minor incidents were occurring but not overly concerned

with committing resources to its resolution.

Several days after his trip to West Roxbury and having been briefed about the increasing violence in the neighborhoods, the Police Commissioner met with a group of clergy from the Boston area. They had requested a meeting to demand that the police respond more effectively to the problem of racial violence. It was at this meeting in February, 1978, that the Police Commissioner decided to make public an idea he had been thinking about for some time. He announced that within a few weeks he would establish a special unit composed of police officers who would work directly out of his office to monitor how the department responded to racial violence. This idea was, of course, exactly what the Lawyers' Committee and the Attorney General had proposed for sometime, and the Commissioner's announcement of the unit caught some of his senior staff by surprise. The clergy were elated and left his office with a sense that some positive actions were contemplated.

He then instructed his staff to develop written policy which would outline the creation of the unit. In the police department written policy has the meaning of "rules" which must be obeyed or else an officer can be "brought up on charges," or disciplined if convicted of the infractions. The written policy, or "orders" as they are called, allowed the administration to "hang them on it if they violated it" as one police administrator recalled. (Erving Goffman, (1961) and Gresham Sykes, (1970) have all commented about the informal subculture that develops in most institutions, wherein administrators apply the formal written rules only when they feel a need to reprimand a subordinate.)

Most important of all, by putting this unit within the Commissioner's Office, the order would officially recognize the handling of racial

violence as a priority of the Police Commissioner. The "bosses" were always sensitive to the priorities of the Police Commissioner. Therefore, no matter what the bosses might personally feel about the issue, the fact that the Commissioner had seen fit to establish this unit gave the problem a new significance and convinced many of the bosses to look at the problem in a new light. And by not placing the unit under the field or investigative branches of the department, the Commissioner had quietly recognized that the commanders of these divisions would not give this problem the attention that it needed. This, of course, had the effect of antagonizing these bureaus and causing some dysfunctional resentment. The recognition that a special unit had to be established naturally implied that these bureaus were not adequately addressing this problem. In addition, it had the consequence of making these bureaus somewhat less responsible for these crimes in the future by the creation of a centralized unit, even though the new unit's function was ostensibly to monitor the entire department's role in these crimes.

After much deliberation the Commissioner's staff drafted a "Special Order" on April 7, 1978, which outlined the functions of this unit.<sup>2</sup> The unit would be staffed by police officers who would identify racial trouble spots and make recommendations for field deployment and investigative follow-up. The unit's function would be administrative fact-finding, and it would have little operational capability. At first glance it appeared, as some had called it, "a paper unit," that is, more relevance in form than in substance. The order began as follows:

This Special Order establishes a Community Disorders Unit which will be based in the Office of the Police Commissioner. The Unit will coordinate the department's activities dealing with community disorders and racial incidents, evaluating field performance,

designing strategies for controlling disorders, and maintaining liaison with other concerned governmental agencies. This order provides departmental policy regarding the handling of community disorders, and outlines the procedures to be utilized in the identification, classification, and investigation of such incidents.<sup>3</sup>

It is interesting to note that the term "community disorder" was suggested by City Hall as a euphemistic way to deal with racial violence. It is reflective of the general ambivalence felt by City Hall which, on the one hand wanted the public to believe that the problem of racial violence did not exist in any substantial form, while on the other hand privately recognized that there was a compelling need to do something about the problem. The creation of the term "community disorder," in the minds of those at City Hall, was a more palatable way to deal with the fact of racial violence.

Aside from this one cynical aspect of the order, the policy statement was inordinately progressive for the Boston Police Department, which for the first time in its history made enforcement and protection of civil rights a major department objective.

It is the policy of this department to ensure that all citizens can be free of violence, threats or harassment due to their race, color, creed, or desire to live or travel in any neighborhood. When such citizen's rights are infringed upon by violence, threats, or other harassment, it is the policy to make immediate arrests of those individuals who have committed such acts. Members of the police force responding to these incidents will be expected to take immediate and forceful action to identify the perpetrators, arrest them, and bring them before the court. Additionally, it will be the policy of this department to seek the assistance of state and federal prosecutors in every case in which civil rights violations can be shown.<sup>4</sup>

The order went on to define precisely what a community disorder is:

A community disorder is a conflict which disturbs the peace, and infringes upon a citizen's right to be free



from violence, threats, or harassment. These disorders can be classified into the following three areas:

(1) All crimes that are committed where there is evidence to support that the victim(s) were selected on account of race, or incidents and situations precipitated by racial motives.

(2) All incidents of group activity and demonstrations where there is a potential for inciting group conflict and violence.

(3) All incidents and situations where there are concerted efforts by a person or group of persons to deprive other persons of free access to any neighborhood or community within the city.<sup>5</sup>

The responsibilities of the Communications Division were clearly delineated:

... all such incidents will receive a priority one dispatch rating. In those cases where it is confirmed that a community disorder incident has occurred, the dispatcher will direct a patrol supervisor to the scene to determine whether there is or has been in fact a community disorder according to the criteria established by this order.<sup>6</sup>

In the deployment of police resources a sophisticated computer-aided-dispatch system is utilized which automatically places calls in a queue according to a set of "priorities". That is, crimes-in-progress, homicides, rapes, etc. would receive the highest priority -- or "priority one." Suspicious persons, stolen cars, larcenies, etc. receive the next lower priority, or "priority-two." And calls for service, such as abandoned motor vehicles, cats in a tree, and vandalism receive the lowest priority. Therefore, by stipulating that all racial incidents are a "priority-one" classification regardless of the severity of the crime, the department was significantly upgrading its response to the problem.

The order placed the major responsibility for the handling of a racial incident on the patrol supervisor who was to be called to the scene. The patrol supervisor, or the street sergeant, was to access the

situation and take immediate steps to reduce the tension and implement a strategy to reduce the likelihood of additional incidents.

He (the Patrol Supervisor) will take steps both to control the situation and to apprehend those responsible for the original crime. It is stressed that these efforts are simultaneous -- it is equally important that a simple incident be kept from escalation or retaliation and that those responsible be apprehended. Of course, if a single incident has occurred without escalation, the patrol supervisor should not over react with a police presence likely to provoke further incidents. The Patrol Supervisor will take steps to insure that the community disorder incident does not escalate or lead to further violence. These actions will include reassignment of officers to prevent additional confrontation immediate investigation or crime(s) committed toward apprehension of the suspect(s) involved and achieve participation with community leaders to control rumors and dispel vigilante efforts. The patrol supervisor and the duty supervisor are responsible for insuring that police actions are fair and neutral, being directed toward restoring and maintaining the peace and toward apprehension of those who have violated the law. Further, the patrol supervisor is to determine how to avoid recurrence of the incident.<sup>7</sup>

It was the intent of those that drafted the order that if there was to be a significant change in the way the department dealt with this problem then the responsibility for complying with this order had to rest with the patrol supervisor. Several studies of the department had concluded that many of its problems could be attributed to poor first line supervision.<sup>8</sup> Therefore, over the past few years a major effort was undertaken to inculcate managerial training into the new supervisors coming out of the Police Academy. It was the patrol supervisors who would be expected to assume command responsibilities at a volatile scene rather than patrol officers, who, because of their heavy workload, were often dispatched from one call to the next and had little time to remain at any one incident.

The order required that, if the incident was racially motivated the

police report be marked "community disorder." It also stipulated precisely who was to be notified if a major incident occurred -- both the district commander as well as the Police Commissioner's Office. In every case involving violence the Community Disorders Unit was to be notified. The specificity of the order was intentional. According to one former police administrator who helped draft the order, one simply didn't automatically get uniform compliance with general orders. He went on to say, "In this area (racial violence) it was necessary to spell out exactly what was expected of both responding officers and supervisors if one was to get even marginal compliance. You just can't allow broad discretion when it comes to racial violence in Boston."

But the hard question to be asked was "Had anything really changed?" For as anyone who knows anything about policing or for that matter about the relationship between rules and behavior, the mere stipulating of a policy is no guarantee that it will alter the informal rules that have developed. The key question that members of most bureaucracies ask themselves is how serious is the management about these rules? Or, is the administration simply officially posturing in response to some perceived public pressure (the media, City Hall, public interest groups) and internally has no intention of actually changing its day to day operating procedure? After all, new policies, rules, procedures, are disseminated almost everyday, yet members of an organization develop their own set of informal norms which determine what rules to follow.

A member of the police organization therefore often initially ignores new rule changes unless he perceives some sanction for non-compliance. One barometer of whether a rule is simply an official response to a public problem or really a rule to be followed is the degree to which

officers perceive consistency in its application. Members of the police department will often subtly test the new rule (by noncompliance) to determine how serious the rule makers are about the new rule. If there is no penalty for noncompliance and no reward for compliance, then the order will be ignored. We shall elaborate on this in Chapter XI when we analyze the implementation process.

With this in mind let us go back to the original question, had anything really changed since the order of April 17, 1978 had been distributed? As of June, 1978, it is fair to state that the order was largely ignored in most districts in the city. Racial incidents continued to occur without any of the steps required in the order being followed, except in those rare cases where an enlightened supervisor decided to follow the policy. It is to be emphasized that these were indeed the exceptions rather than the rule. The policy had been established; it had been consistently violated; and there were few sanctions for failing to comply with it. Therefore, it was ignored. This is, of course, not unique to the Boston Police Department. Much effort usually goes into the formation and creation of a piece of legislation, and then considerable attention is directed to seeing that the rule change is actually adopted. What is perplexing is that once the law is passed so little attention is focused on the actual utilization of the new rule or law. It is as if the process is more important than the final product.

Like many other examples of unintended consequences of purposeful action, the incorporation of this new policy in the police department might initially have made the problem of racial violence less compelling by placating outside advocacy groups (the Lawyers' Committee, Attorney General, NAACP, HUD, etc.), therefore reducing the pressure on the

department. It would, however, be an oversimplification to say that the problem was made worse -- in fact, the Community Disorders Unit was now made up of four officers who were assisting individual victims and uncovering some initial patterns of racial violence. It would be more accurate to state that the larger more significant issues in the policy were being ignored by the local districts. Therefore, the problem was that most districts ignored the rule and failed to notify the C.D.U. of incidents, and consequently, the Special Order had little real impact on the department as a whole. Special Order 78-28 establishing the Community Disorders Unit and outlining specific steps to take in handling racial violence might have gone the way of most well-meaning rules (or legislation) had the events of June 29, 1978 not occurred. This incident more than any other single action, helped to give credibility and standing to the C.D.U.

Tensions were still very high in the housing project in East Boston. Nineteen minority families had moved or been transferred out of East Boston to other parts of the city. On a warm summer evening in late June a dispute broke out between the children of two families in this development. The incident would normally be forgotten as a childish quarrel, but this was East Boston, and one of the children was white and the other was black. The dispute got heated, and the parents of the children soon came on the scene. The white family (the Rizzos) were armed with a baseball bat, and they approached the black family (the Parks). Mr. Park struggled with Mr. Rizzo and took the bat away from him. Mr. Park then began swinging the bat at the Rizzos. Mrs. Rizzo was struck with the bat and fell to the ground unconscious. The police were called to the scene and were immediately confronted by a large group of

white persons who yelled racial slurs and threatened retaliatory actions against the Parks. The police who arrived at the scene from District Seven in East Boston advised the Park family that, due to the tension in the project caused by this incident, it would be difficult to protect them and advised the Parks to leave their apartment. Mr. Park was the target of the crowds' animosity, and he was told to come to the police station for "his own protection." At the station Park was arrested and charged with Assault and Battery with a Dangerous Weapon (a baseball bat) on the Rizzos.

The tension in the project continued and police units were assigned to the development. There were rumors that Mrs. Rizzo was critically injured (she later recovered) and that black agitators from outside the project were coming into East Boston. Many white residents of the project stayed outside on this warm summer evening. Police officers were specifically assigned to monitor the apartment of the Parks. According to sworn affidavits gathered sometime later, one white man stood with a shotgun and attempted to incite others by shouting, "Let's get rid of all niggers, come out, you nigger bastards, stick your heads out the window and I'll kill you all, etc."<sup>9</sup>

Around 1 a.m. the Parks apartment was broken into and a number of valuable items were stolen and then the apartment was set on fire. No arrests were made, in spite of the fact that officers had been assigned to watch the apartment. If this wasn't bad enough, another fire was set in the apartment at 7 a.m. that same morning, and further damage was done to the apartment.

This case exemplified all that was wrong with the police handling of racial incidents. A confrontation had occurred between blacks and

whites; the police were called, and when they arrived on the scene, they decided to believe the whites and arrest a black. The police then inform the blacks that the tension in the area is so high that it is in their best interests to leave the apartment. The police assure the black family that extra police units will remain in the area. In spite of this promised protection, the apartment is broken into and property stolen. The apartment is then firebombed, and the fire department extinguishes the fire. The apartment is then firebombed again several hours later. No arrests were made in any of these crimes against the blacks although numerous residents had witnessed a man with a shotgun intimidating residents right before the firebombings. The perception on the part of the minorities in East Boston was that, not only were the police insensitive to their plight, but the police, by their negligence and indifference, appeared to be siding with the white attackers.

Back at police headquarters there was considerable consternation over the handling of the incident. There was strong sentiment that the local district police could not be objective in the follow-up investigation. The case was given to the fledgling C.D.U., and Richards was told he was in charge. Richards formed a task force made up of C.D.U. members and several district officers. After reviewing the case, the C.D.U. the next day went into East Boston District Court and obtained criminal complaints against Mr. Rizzo for Assault and Battery with a Dangerous Weapon. This action, in and of itself, represented a major turning point in the eyes of the Lawyers' Committee and others who viewed this action as the first indication that the C.D.U. was capable of conducting an impartial investigation.

The task force then began an intensive investigation to identify

witnesses, collect physical evidence and prepare testimony. The task force approach which was coordinated by the C.D.U. also included the state police from the Attorney General's Office. (The F.B.I. had been informed of the case. However, after reviewing the facts they concluded that the incident amounted to an assault between two parties and, therefore, declined jurisdiction in the case.) The investigation was difficult because of the extreme reluctance of witnesses to talk, particularly in open court. Many residents of the project knew who was responsible, but a strong fear of retaliation permeated the development. After more than six weeks of investigation, which required the moving of witnesses out of the development to assure their safety, the task force arrested and convicted three individuals for the housing project crimes.

As the level of racial violence intensified, the city retained the legal services of a prominent Washington attorney who had gained national attention as both a civil rights attorney as well as an investigative lawyer. His unusual background included working in the Justice Department in the desegregation case at the University of Mississippi, as well as serving as associate legal counsel during the Watergate hearings. His experience proved to be invaluable in his role as advisor to the city on its handling of racial violence.

As a civil rights lawyer, he was familiar with federal civil rights statutes and the Fair Housing Act. He was knowledgeable of the unique process of bringing a civil suit, which would not replace but supplement the criminal process which was to be carried out simultaneously. The civil suit is advantageous because it has a lower evidentiary requirement than the criminal process and is a useful remedy in enjoining individuals from future acts of violence. What the investigators seek to do is to



gather evidence in the form of signed affidavits from victims, which are then presented to a federal or state court, and a determination is then made, if a "preponderance of evidence" exists, to issue an injunction to prevent certain named individuals from engaging in future criminal acts. This is most effectively used where there has been a pattern of acts, intimidation and coercion against either a particular family or individuals or certain groups.<sup>10</sup>

After conferring with the C.D.U., the lawyer concluded that the violence in East Boston was indicative of a racially-motivated pattern and that there was a concerted effort to discourage minorities from living there. The immediate difficulty in convincing witnesses to come forward in criminal court convinced him that a federal civil suit to enjoin future illegal conduct might be the most effective mechanism to immediately prevent an escalation of violence. Therefore, working with the C.D.U. as investigators, the task force located witnesses who were willing to sign affidavits (which were sealed because of possible retaliation) and filed them with the court. With this information, the city went into federal court and sought injunctive relief for the black families of East Boston against individuals who had engaged in a concerted effort to deprive them of their right to live in East Boston.<sup>11</sup> (The city went into federal court rather than state court because, at the time, the state did not have a civil rights law.) A consent order was issued by the court with one defendant agree as to refrain from certain acts. The case against the other defendants was later considered moot by the judge when the defendants were tried in criminal court and convicted.

Most significant of all, the C.D.U. emerged as the cornerstone of the

law enforcement effort at addressing racial violence. It had transcended its "paper unit" image to function as an investigative unit capable of working with both district detectives, as well as state and local prosecutors. It had gained credibility with the Lawyers' Committee by immediately going into East Boston Court to obtain criminal complaints against the white defendants in the original incident. And it had gained invaluable experience by working with a prominent lawyer who had exposed them to innovative law enforcement tools.

The violence did not stop here, however. Only one month after the sensational Park case had occurred, an Hispanic family was attacked by a large number of white youths who smashed the windows of their apartment in yet another housing project in East Boston. Unbelievable as it may seem, while the family was at the hospital, their apartment was fire-bombed.

After the incident the Mayor and the Police Commissioner requested the assistance of the United States Attorney's Office in determining if there was a possible federal role (violation of civil rights) in the city's ongoing investigation of racial incidents in East Boston.<sup>12</sup> The city sought the F.B.I.'s participation to capitalize on the Bureau's resources and gain some deterrent value from the action. It was thought that, if the local troublemakers were not afraid of the district police, perhaps the F.B.I.'s involvement might deter further actions.

The F.B.I. became involved, and the C.D.U. acted as the department's liaison to the agency. Teams of F.B.I. agents and C.D.U. officers went about the task of interviewing possible witnesses. After a number of weeks of investigation, reliable witnesses were obtained who could testify to the actions of at least five youths who were actively involved

in driving minority families out of East Boston. A federal grand jury was in session, and the witnesses were called to testify. After a number of days of testimony, the grand jury decided to return no indictments in the case.<sup>13</sup> Complaints were sought, however, by the C.D.U. in state court, and convictions were obtained for malicious destruction of property and assault and battery.

The two East Boston cases represented a watershed for the police department in the summer of 1978. On the one hand these incidents exemplified all that was lacking in the prevention, investigation and handling by the department of racially motivated crime. On the other hand the follow-up investigation conducted by the C.D.U. demonstrated that the department was capable of impartial and methodical work when called upon to do so. The East Boston cases reflected both the weaknesses and strengths within the department. The emergence of the C.D.U. signified a turning point, yet was this simply an institution's quick fix, patchwork response to intense pressure or reflective of systematic change in department practice?

SECTION TWO: STRATEGIES AND IMPACT

The Community Disorders Unit has three basic functions: (1) to coordinate the investigation and prosecution of racially motivated incidents; (2) to analyze and determine patterns of incidents; and (3) to prevent future incidents.

The unit's strategies to meet these broad responsibilities could be collapsed into four categories: reactive, proactive, legalistic, and organizational. Each of these areas will be carefully discussed, and examples will be provided to illustrate the work of the unit. In the final chapter of this section we will examine the extent of racial violence between 1979 and 1983 and discuss what impact the unit may have had on this problem.

CHAPTER IV: TO CATCH A THIEF (REACTIVE STRATEGIES)

Reiss has noted that most police work tends to be reactive in nature.<sup>1</sup> The police are alerted to a crime either while it is taking place or after it has already happened. In the former case police response time can make a significant difference to a victim, whereas in the latter case the involvement of the police is more legalistic and is analogous to the farmer who closes the barn door after the horse has escaped. During the warmer months of the year (because, for whatever reasons, crime seems to flourish in good weather) the C.D.U. spends most of its time reacting to crimes that have already occurred.

The C.D.U. is initially alerted to a crime either by radio or by a written report sent to them by the district station. Officers are instructed to "find out what happened" by interviewing the victim and all individuals who may have witnessed the crime. C.D.U. officers are instructed to be sensitive to the victim's needs. For example, in the case of a firebombing, arrangements are made to place the family in a hotel.

This process is dependent upon the C.D.U. being notified of an incident (the C.D.U.'s hours are 8 A.M. to 1 A.M. - after which the local police district is solely responsible) immediately by radio or by written report the next day. A major problem has been the failure of the districts to notify the C.D.U. of an incident. Whether by design or by negligence, the result is the same; the C.D.U. couldn't do anything about an incident it did not know about. Numerous announcements were made to district personnel to notify the C.D.U. - but were met with little success. The East Boston cases demonstrated that the C.D.U. was capable

of conducting thorough investigations. Yet in spite of these prosecutions, which received considerable attention in the department and in the media, districts failed to notify the C.D.U. of incidents.

So the incidents continued. For example, in Hyde Park a store owned by blacks in a predominantly white section had its windows repeatedly broken. In black sections of the city, such as Roxbury and Mattapan, white motorists had their cars pelted with rocks and bottles. In East Boston black sailors were harassed and assaulted by local neighborhood youths. And in Dorchester a black woman was assaulted and threatened by local white youths. In most of these cases the C.D.U. learned of these incidents either by accident or several days after the incident had occurred. This was a major roadblock which stifled any progress the unit had envisioned.

The problem of lack of notification came to the attention of the Police Commissioner in the fall of 1978, and he called all the "bosses" to a command staff meeting. He asked Sergeant Richards to attend the meeting. The Commissioner walked into the room and said, "You see that Sergeant over there, you see him, get a good look at him, because he's here to help you, and he's saving our neck. And you know what makes me angry is that he's not getting any cooperation from you. You people are not bringing racial incidents to the attention of the C.D.U. You're not stamping the incidents "community disorders" (a special stamp had been provided for the districts to make the process as simple as possible). Let me tell you, he's helping you more than you realize, and you better start cooperating. You know some of the officers involved in the East Boston cases are being sued and you better take note and get with it. Does everyone understand me?" There were no questions, and the

Commissioner left the room. The following day the C.D.U was inundated with reports, some racial, but most simply involving an incident between a black and white which usually involved a robbery or larceny, the motive of which was financial rather than racial. Receiving too many reports was as bad as not getting the right ones.

The C.D.U.'s daily work became routinized. An officer would be assigned daily to check the Field Reports Section of headquarters for all incidents which had been marked "community disorders." The officer would then bring the report(s) to Sergeant Richards, who would initial each report and assign an officer to investigate it.

Each case was given a number and was recorded in the "case log" with the following information: the date of the incident, address and district where the incident took place, officer assigned, race of victim and race of suspect (if known), as well as the status of the investigation (active or inactive).

In many cases a determination could not be made as to whether an incident was racially motivated or not based on the initial incident report from the district. Officers came to learn that the incident report was usually either incomplete or inaccurate and therefore not reliable as a determinant of whether an incident was racially motivated. For example, district officers would note that extensive vandalism occurred but might fail to acknowledge that racial slurs were written on the side of the home. Or officers would fail to record the race of the victim, which was often crucial in understanding a random crime in a certain neighborhood.

The C.D.U. officers were, therefore, instructed to use the incident report merely as a starting point from which they could be assured that

some type of incident occurred and there existed a certain victim. They were then to reinterview all victims and witnesses, even though other reports may indicate that these individuals were not helpful in providing information on the crime. In making the determination of whether an incident was racially motivated or not, officers were to look for a number of factors. The key determinant of whether an incident was racial or not could be attributed to one overriding question: was the individual victimized because of his/her race or ethnic origin? Significant in the determination is the specific language that is used during the crime. For example, if a man is assaulted by another man and one is black and one is white, it would not necessarily follow that the incident would be regarded as racial. However, if while assaulting this man, statements are made such as "We don't want any niggers (or "honkies" in the case of white victims) living in this neighborhood, and if you don't move out, we'll burn you out," then the incident would be considered to be racially motivated. Other factors include the number of perpetrators involved (e.g. six black individuals beating up one white individual), the length of time that a family has been living in a neighborhood (e.g. a new black family that has its windows broken after recently moving into a predominantly white neighborhood), random violence directed at one type of victim (e.g. all white cars being stoned in a black neighborhood), or gratuitous violence after a financial crime has already occurred (e.g. a wallet is taken and then the victim is called racial slurs and severely beaten-up).

In many cases it would be necessary for a unit member to review all incident reports at a particular location to determine if there was a pattern to what may initially appear to be merely vandalism. Officers



would interview victims to determine if there were other incidents that had previously occurred which they had not reported to the police. This was often the case with groups such as Southeast Asians, who because of their unfamiliarity with the language as well as cultural differences, hesitated to report crimes to the police.

In 1978, when the unit began, it had only three officers, and it was not possible for the C.D.U to investigate every case that came to its attention, nor was this desirable, since most district detectives were usually more familiar with local youths and possessed established community ties as well as reliable informants. Further, the C.D.U. role was to "coordinate" investigations with the districts, not to actually conduct them themselves. In some cases, such as in East Boston, the C.D.U. had established a good working relationship with some district detectives and could depend upon them for following-up on a case. However, in most districts local detectives were reticent about working with the C.D.U. Several reasons may explain this behavior. First, detectives have the highest degree of autonomy of any group in the police department and are resentful of being directed. Second, detective caseloads are usually high, and detectives are often under pressure (minimal) to "clear" (solve a crime by arrest) those crimes which exhibit high solvability factors. (Many racially motivated crimes occur late at night with few witnesses, which therefore makes the probability of finding suspects more difficult.) Third, detectives are usually under the control of the district commander who has his own set of priorities. Fourth, racially motivated crime is usually not, in the words of one C.D.U. officer, thought to be "sexy" in the way cops view crime involving vice, drugs, or homicide. And finally, detectives may simply be allowing

their own personal biases to get in the way of their work.

This often created some conflict between the district detectives and the C.D.U. Often Sergeant Richards would encounter resistance in obtaining the cooperation of the district detectives in either sharing information or working in a task force with the C.D.U. When this would happen, he would see the Operations Assistant. Weiss had left the department, and a new civilian named Sam Green had assumed his responsibilities. Green was only twenty-eight (28) years old when he took the position and, although well-educated, lacked experience in the ways of the police department. What he lacked in experience, he made up for in his willingness to learn and his enthusiasm for the unit's work. He assumed supervision over the Unit, and two years later the Commissioner made him the director of the C.D.U. Although young and somewhat idealistic, Green came to understand the Machiavellian nature of police politics and gradually gained the trust and confidence of the Police Commissioner.

Green was on a first name basis with many of the district commanders (owing more to his proximity to the Commissioner than any personal charm he might have), and when Richards brought problems like this to his attention, he would immediately contact the district commander and request his help. District commanders usually responded well to these requests, and something could be said for the value of personal contact. Significantly, the relationship of the director and his unit to the Police Commissioner made these requests almost impossible to refuse. An interesting lesson was learned here. Detectives, when asked directly by the C.D.U. to assist in an investigation, often were less than helpful. However, when Green called the Commanding Officer of the district, who in

turn directed his detectives to work with the C.D.U., the result was far different. The police department, which had in many ways incorporated modern management innovations, still retained its para-military nature and, therefore, its adherence to the "chain-of-command."

What the C.D.U. did in its reactive role was ostensibly what was expected of most investigative units within the department. What made what the C.D.U. did unique was its commitment to a single problem, its attention to detail, and the luxury of time to pursue what was often viewed by district officers to be relatively minor crimes. In this way the work of the C.D.U. was both commonplace yet significant. Several examples of cases may be useful in understanding the reactive role of the unit.

#### CASE ONE

In 1980, on a warm summer evening a black family living in a housing project in the western section of Boston was about to eat dinner. Suddenly, a fire bomb was thrown through a rear bedroom window, and within seconds a second bomb was thrown against the building but failed to ignite. The apartment immediately caught fire, and the family was lucky to escape uninjured. The fire department responded to the scene and was able to bring the blaze under control.

The police were called, and uniformed officers responded to the scene. After an initial discussion with the victims, the officers made a determination that, because the victims were black in a predominantly white development perhaps the crime was racially motivated. They contacted the C.D.U. by radio and requested their assistance.

The C.D.U. arrived on the scene and interviewed the victims. It soon became clear that considerable tension existed in the development based on an incident that had occurred several nights before the firebombing. In that incident a white youth who was a deaf-mute was allegedly robbed by blacks. Older white youths had then chased the blacks, cornered them, and were about to attack them, when one of the blacks fired a shotgun into the face of one of the attackers. The police arrived and arrested one of the blacks involved. However, the white youths were upset because the other black man was not arrested. The white youth who was shot at was permanently blinded and felt the police had been lenient with the blacks. After the C.D.U. had talked with residents in the project, it became clear that this incident might be the reason for the firebombing (although this black family was not related to the individuals involved in the previous incident). The tension was high in the area, as both blacks and whites "demanded justice." The C.D.U. immediately requested, through their director, police presence to stay in the project all night and specifically to make certain that no further damage was done to the victims' apartment. The Identification Unit was called to take pictures of the damage, and the remains of the molotov cocktail were preserved and forwarded to the Crime Lab for analysis. C.D.U. officers made arrangements for the victims to stay in a downtown hotel.

That evening C.D.U. officers began a systematic, door-by-door canvass of all residents in the vicinity of where the crime took place. Although many residents were home at the time of the attack, all denied seeing or hearing anything. Most privately expressed fear of retaliation if they even appeared to be cooperating with the police. Over the next few days many residents were interviewed a second and third time. The director of

the C.D.U. contacted the district commander and asked for his cooperation in sharing all information on this case.

The grapevine soon revealed the names of several individuals who were probably responsible for the crime, but this information was useless without witnesses who could testify to the suspects' actions. Some residents gave the names of other tenants who had confided in them that they had seen who had thrown the bomb. However, when these individuals were interviewed, they denied having any information as to who was responsible.

It has been the experience of the C.D.U. that most cases are solved with both hard work and a bit of luck. After more than five days of interviews, the case seemed to have reached a dead end. Then the C.D.U. received a call from a citizen, who wished to remain anonymous, giving the Unit the name of the individual responsible. This wasn't really anything new; this name had come up over and over again. However, this person also mentioned an article in a local newspaper that had appeared several months prior to the incident in which a young man was called a "rat" in the project because he had testified in a case involving a man who was threatening people with a gun. The informant couldn't remember when the article appeared exactly. The next day Green had his assistant go through back copies of this paper to see if she could find this article. She was able to locate the article, and it mentioned the name of the individual who had previously testified in court against a resident of the project.

Green then gave the name of this individual to C.D.U. officers who went out to interview him in the project. There was, of course, no indication that this individual knew anything about the firebombing, but

it was thought he might provide some valuable leads as to who the C.D.U. might talk to about the crime. When the officers arrived at his home, the youth was there with his father. After a few minutes the boy admitted that he had knowledge of the firebombing. In fact, he admitted actually witnessing the crime! But his father was afraid of what would happen to his son if he testified and wanted some assurances from the police as to what they would do to protect the family.

The next day the officers reported to the director on what they had found. He in turn called the Boston Housing Authority (BHA) and asked if this family could be relocated to another development in view of the possible danger that might result from his testimony. The B.H.A. agreed to expedite the move. The father of the boy agreed to let his son testify provided these conditions were met. With the strength of this witness, the C.D.U. obtained a warrant and arrested the suspect who had been living in the apartment of the youth who had been wounded in the prior incident. Eight months later the defendant was convicted of arson and sentenced to state prison.

A final footnote to this case. C.D.U. officers in the course of their investigation obtained incident reports of all crimes which had occurred at this development for the past few months. What became clear was that blacks were being assaulted in the project prior to the shooting, but these incidents were not being reported to the C.D.U. For example, a white cab driver reported having his vehicle stoned when he went into the project to drop off passengers. The incident was not brought to the attention of C.D.U.; however, when C.D.U. officers contacted the cab driver, he informed them that his vehicle was stoned when he let black passengers out of his cab. He had been there before

with other passengers (whites) and had not had problems. Numerous additional incidents of vandalism and assaults to blacks in this development were discovered in reviewing these reports. When those black victims were interviewed, they told of other incidents in which they failed to notify the police because they felt that "nothing will be done about them." The C.D.U. had, by systematically pulling all incident reports and then interviewing all victims, both black and white, uncovered a previously hidden pattern of racial attacks.

#### CASE TWO

Not all of the incidents that the C.D.U. investigates are as successfully concluded as the one above. Although all incidents are followed up, approximately seventy-five (75) percent of the cases reported to the C.D.U. go unsolved. One example involved a group of nine white males and females who were travelling in a van through a predominantly black neighborhood when their van became disabled. At this time the youths left the vehicle and began to push the vehicle down the street. Suddenly, a group of approximately 20 black youths who were congregating on the sidewalk began yelling remarks such as "Get your white ass out of here," "Honkies get off our turf," and began throwing rocks, bottles and stones at the white youths.

The youths then abandoned the van and fled on foot to a nearby apartment building. As the youths attempted to gain entrance to the apartment building, they were assaulted by the blacks who continued to throw rocks and bricks at them. The white youths were then robbed, and the suspects fled the scene. The youths were shaken up and several

required medical attention from the assault.

The C.D.U. was contacted later that evening by the district and eventually caught up with the victims. Working with district officers the C.D.U. interviewed numerous residents in the area, and all denied seeing who was responsible for the crime. Nevertheless, the investigation continued for days, with C.D.U. officers bringing "mug books" of possible defendants to the victims' home for them to view. None of the victims were able to pick out their attacker(s). The lack of solid identifications by the victims, coupled with the reluctance of witnesses to come forward, contributed to this case remaining unsolved.

It is important to point out that "arrest" is only one measurement of the work of the C.D.U. Very often the unit knew who was "responsible for the crime" but was unable to obtain witnesses who would testify to this in court. In these cases the C.D.U. was able to use this as a leveraging point with these youth(s). It should also be noted that the process of identifying the perpetrator through increased surveillance, interviews, and field observation reports may have had the beneficial by-product of increasing the perception of the "threat" in the eyes of the local youths. And this may have consequently had a valuable deterrent impact on curtailing what had become a runaway pattern of racial incidents. We shall explore this in more detail in Chapter VIII.

### CASE THREE

One afternoon in the winter of 1981, two young black female high school students were confronted by a group of about ten white males. The large group of youths would not let the females walk to the bus stop. The



group began to threaten the two children and directed racial slurs at them. The group began to throw bottles at them, and one of the children was assaulted with a shovel. The suspects fled the scene, and the children went home.

The parents of one of the children, upon learning of this incident, went to their daughter's school to report the attack. While the parents and their child were inside the school, their motor vehicle was extensively damaged. The damage to the car consisted of broken windows and a dented roof.

The Community Disorders Unit was notified of the incident and immediately began an investigation working with district detectives. After several days officers identified the individuals involved and obtained criminal complaints for assault and battery with a dangerous weapon as well as malicious destruction of property.

More significantly, as a result of a conference between C.D.U. officers and representatives from both the Attorney General and District Attorney's Offices, a decision was made to seek additional criminal complaints against one individual for violation of the State Civil Rights Act<sup>2</sup>. The civil rights law was enacted in 1980 and this was the first case in the Commonwealth's history to be brought under it. After hearing all the evidence, the judge found the defendants guilty of the charges and placed them on probation and required them to pay restitution to the victims.

By 1982 the size of the C.D.U. had almost doubled, while the number of reported incidents decreased considerably. With the increase in the size of the unit and the corresponding decrease in the total number of

incidents, the unit now was capable of investigating all cases without the involvement of the districts. In many cases this input was still valued; however, the C.D.U. had begun to develop its own neighborhood contacts. For example, in one community, C.D.U. officers worked with local clergy on resolving neighborhood problems. When a new black family was the victim of a firebombing, the C.D.U. contacted these clergy members and asked them for their assistance with the community. The clergy in turn called for neighborhood meetings of residents. At this meeting the C.D.U. asked the residents to write down the names of "anyone who might have information about the firebombing." The list came back with over twenty names, and during the next few days C.D.U. officers talked to everyone on the list. One person on that list led officers to an individual who was instrumental in helping solve the complicated case. After more than four weeks of investigation, C.D.U. officers arrested and eventually convicted four men for charges which included violation of civil rights, conspiracy to commit arson, and possession of a molotov cocktail. One important footnote, one man who was arrested the evening of the firebombing by district officers was subsequently exonerated as a result of the investigation by C.D.U.

In other parts of the city the C.D.U. continued to make arrests for stonings, threats, arson, assaults, etc. These crimes, which received little publicity, were handled by the C.D.U. on a daily basis. Significantly, however, sensational crimes, such as murder which in some cases were racially motivated, were investigated by either district officers or a specialized group such as the Homicide Unit. For example, when a black football player from Jamaica Plain was shot in the white section of Charlestown, it was a group of headquarters detectives who

handled the case. (The case aroused considerable public attention, and the Police Commissioner, in a determined effort to break the silence surrounding the case, appealed to every detective who lived in Charlestown to help solve this case -- which they did.) In another case which had racial overtones, a black man from Dorchester was chased onto subway tracks by a group of whites and was subsequently hit by a train. In this case the Homicide Unit headed the investigation. What became clear was that, while district detectives and headquarters specialized units were willing to concede the "normal" crimes (Sudnow, 1970) to the C.D.U., they were protective of the sensational cases. But then again, it is not the sensational cases that fall through the cracks.

CHAPTER V: LOOKING FOR MR. RACIST (PROACTIVE STRATEGIES)

Reiss defined proactive police activity as those actions in which police intervene in the lives of citizens on their own initiative<sup>1</sup>. Preventive patrol and stopping citizens who appear to be suspicious and searching or questioning them are examples of proactive police work. In recent years police organizations have broadened the definition to encompass anticipating what a problem will be (based on past experience) and developing appropriate strategies to prevent it.

The C.D.U.'s work initially grew out of an urgent need to react to volatile situations. As we have stated, this always required responding to an incident after it had occurred, dealing with the victim's needs, coordinating an investigation, and arresting those responsible. In most cases this activity, while necessary to make offenders accountable for their acts, was by its very nature - too late. The damage had already been done; the victim would never be completely "whole" again; and the community would suffer yet another ugly incident. The quality of life for all citizens in the area would suffer. This is not to say that some good does not result from the process of prosecuting those responsible for a crime, particularly when the previous record for arrests has been so poor. In fact, an argument can be made (and will be made in Chapter VIII) that, when the results of an arrest, prosecution, and conviction are widely publicized in those neighborhoods which have had historically few arrests, some general positive deterrent effect may result. But this is for discussion later; the point at hand is that it was generally felt within the C.D.U. that more could be done than simply responding to incidents after they had happened. Specifically, could the unit learn

from a pattern of incidents and then develop strategies which would either prevent community disorders or identify those responsible?

Over the six years that the unit has been in existence, it has developed a number of strategies which could be characterized as proactive. These strategies utilize crime analysis information to anticipate future criminal activity. The objective is to intervene in situations in such a way as either to prevent an incident from happening or immediately identify those responsible for a criminal act. There are three principal types of proactive strategies that are used: Victim Centered, Decoy, and Undercover. Each will be described and several examples will be presented.

#### VICTIM-CENTERED STRATEGY

What was happening in many neighborhoods of Boston in the late seventies and early eighties was what one might call a form of guerrilla warfare. Vandalism night after night had become terrorism. Those responsible for crimes directed at the homes of new families moving into a neighborhood acted in the middle of the night and were rarely, if ever, seen, and consequently, these crimes went unsolved.

Officers in the C.D.U. became frustrated at taking reports from a family who had their windows broken, over and over again. Victims were at their wits' end and believed that no one, especially the police, cared about their plight. Many moved from the neighborhood out of a sense of fear and isolation.

One night, a regular "customer" of the C.D.U. had her windows broken, racial epithets spray painted on her house, and her car windows broken. She was terrified and afraid for the safety of her children. A C.D.U.

officer asked the woman if she would mind if he stayed in her home should the attackers decide to return. She was happy to have him there. The other officer left her home and parked about three blocks away. They utilized walkie-talkies to keep in communication with one another. The "operation" lasted all night. The attackers did not come back, but something interesting had happened. The victim felt that, for the first time, someone cared about her plight, and even though no arrests were made, she was grateful for the personal attention that she received. The C.D.U. viewed the operation as a success for two reasons: first, no other incidents occurred to this victim that night. And secondly, the C.D.U. had established some credibility with this victim in its specific commitment to her problem.

The value of this operation became readily apparent. It was repeated in different sections of the city. The design was basically the same, with a C.D.U. officer walking to the victim's home and then staying in contact with a back-up unit several blocks away. The victim felt that someone cared (many commented that it was the first night in a long time that they were actually able to get to sleep), and C.D.U. members felt that at least they were attempting some positive response to what had become a chronic problem.

The fact that few arrests resulted from these operations was troubling but did not discourage the unit from continuing these strategies. It is difficult to explain why few arrests were made, although several explanations are possible. One reason may be attributed to a lack of informants. Unlike certain police activity in which informants are cultivated by allowing one criminal activity to go on (e.g. use of drugs) in exchange for information on another activity (e.g. burglary) (Skolnick, 1966),

racial violence tended to be committed by unorganized groups of youths. This network was usually either not connected, or only tangentially connected, with organized criminal activity. While traditional informants often could be helpful in sensational racial crimes (e.g. murder), because these crimes tended to be "talked about," traditional criminal informants were usually not aware of the low level nature of most racial violence.

Another reason may have been the fact that neighborhood youths were familiar with many of the officers in the C.D.U., having been questioned by them countless times and may have recognized them when they walked into the victim's home. Secondly, the C.D.U. "unmarked" vehicles were well known to many suspects and may have aroused attention. In fact, the C.D.U. eventually acquired a surveillance van and one city paper mentioned it in a feature story on racial problems.

...At the same time, members of the C.D.U. were out in Hyde Park, frequently undercover, gathering information and keeping a detailed log of incidents. They reportedly staked out the park night after night in an unmarked van (which one resident said he could spot a mile away) and even spent evenings inside the victim's home.<sup>2</sup>

The C.D.U. submitted a proposal to the city for funding for a community development block grant to expand upon this proactive strategy. The agency funded the C.D.U and the unit acquired equipment and funds to bring off-duty C.D.U. officers in on overtime. The victim-centered operations now involved an officer in the home of the victim with at least two back-up units, one in a van, another in a borrowed taxicab. A strategy would only be developed based upon a documented pattern of incidents and would usually last two or three days.

A spin-off of this strategy, which was developed by the night

commander of the C.D.U., Sergeant Williams, was what came to be known as the "rapid response" operation. What the C.D.U. would do would be to place an officer in a home of either a victim or a willing community leader. A number of neighborhood families would then be contacted either by the police or the community member and told that on a certain night the C.D.U. would be in their neighborhood. If they were concerned about something, they were to call not 911 (the Police Emergency number), but the number of the home where the C.D.U. officer was stationed. He would in turn contact a C.D.U. unit by walkie-talkie. Because the area to be covered was usually only two or three blocks, the C.D.U. could be on the scene in literally seconds.

The first opportunity to test this idea surfaced during a community meeting which the C.D.U. had been invited to attend. The Middletown Civic Association was concerned about the plight of several black families who had recently moved into their neighborhood. These families had their windows broken, threats made over the phone, etc. In addition, other families who were Jewish complained of anti-Semitic harassment by local youths. Most of the group were apprehensive about what might happen on Halloween. Sergeant Williams then explained his idea to the group. They enthusiastically embraced it, and the president of the Association offered to let his home be used as a "command post." The group was given his telephone number and told that between the hours of 6 P.M. to 2 A.M. they would have "their own police department" all they had to do was call the command post.

The operation was put in place Halloween night. Several calls were received about youths drinking, and the C.D.U. responded and confiscated their beer and had them leave the area. Another call came in about a



suspicious car that kept driving through the neighborhood. The C.D.U. pulled the vehicle over only to find out that it contained several parents of children in the area who were concerned about their children's safety. They had not attended the community meeting and did not know about "Operation Halloween." The evening ended without incident.

#### DECOY/UNDERCOVER STRATEGY

In the early seventies much attention was focused on the use of police officers in undercover roles to ferret out criminals. Gary T. Marx has written extensively on the uses and abuses of this new role for law enforcement (Marx, 1981). Boston officers travelled to New York to learn firsthand from the New York City Street Anti-Crime Unit. The New York City Unit, which L.E.A.A. chose as one of their "exemplary projects," basically dressed officers in a variety of disguises to blend into the community they worked. They were backed up by other officers as the "decoy" was watched to see if he was robbed, assaulted, etc. Boston learned from this unit and implemented a similar program in 1975. By 1978 the program was disbanded after police administrators had second thoughts about the effectiveness of the program and whether the program was ensnaring "opportunists" rather than career criminals.<sup>3</sup>

Despite the unevenness in this strategy, something could be said for its usefulness in certain circumstances if tightly supervised. For example, New York police used a specially designed vehicle (bulletproof) with a female decoy in areas where the "Son of Sam" had attacked females. In Boston officers used a female decoy in areas in which a number of rapes had occurred. These cases require tight supervision and are potentially dangerous to the decoy.

CASE 1: Sailor Decoy

In 1978, while the C.D.U. was investigating the East Boston racial incidents in the two housing developments, another problem came to their attention. U.S. sailors who were docked in East Boston, and were black, had been called racial names and then assaulted by neighborhood youths. The sailors were unable to identify their attackers. This had been occurring for some time. The C.D.U. decided to try something that had never been done before and was analogous to using women as decoys to ferret out rapists. They adopted the strategies being used by the anti-crime unit to deal with the problem of racial attack. Several black C.D.U. officers dressed in U.S.sailor uniforms walked the streets of East Boston backedup by other C.D.U. officers. The strategy was conducted several times, with no incidents. It is important to note that, while this strategy is similar to other anti-crime techniques in that it utilizes decoys, the target in this case is the person rather than, for example, in traditional decoy work - property, (i.e. a wallet). In view of the situational dangerousness of these operations, it was decided that this strategy was simply too risky to continue.

CASE 2: Operation Ridgewood (Undercover)

In April, 1980 the C.D.U. was investigating what it believed to be a concerted effort by neighborhood youths to drive minorities out of the Ridgewood Public Housing Development. One evening three black families had the windows of their apartments broken. These acts occurred simultaneously at the sound of a whistle being blown. The C.D.U., working with the Attorney General's Office, had interviewed a number of youths who, residents had said, were involved in the conspiracy. However, the

individuals maintained their innocence, and neighborhood residents were once again afraid to come forward.

Research by the C.D.U. indicated that, in the past five (5) years, at least fourteen (14) minority families had moved from the Ridgewood Development. In the last few months three families had moved out after they had experienced harassment in the form of threats and extensive vandalism to their property. After the most recent attack the C.D.U. was concerned that these families, who were the last black families living in Ridgewood, might also move out. Frustrated by the wall of silence that existed in Ridgewood, the C.D.U. sought to try a new strategy to break the pattern of racial intimidation.

The Boston Housing Authority had recently gone into "receivership" as a result of years of political infighting, bureaucratic indifference, and institutional neglect. A bright, young, progressive administrator was appointed by the court to serve as the receiver. The director of the C.D.U. met with the receiver and briefed him on the problems of Ridgewood. They both agreed something had to be done to radically alter what was occurring in the development. The director proposed an idea. Move two black police officers into the development, under the assumed aliases of man and wife, and let them live in the development. The objective would be to gain as much information as possible as to who was responsible for the harassment (The police officers could testify in court later if need be.) and gain some insight into what it is like for black families to live in this project. All the director asked from the B.H.A. was for a vacant apartment and minimal funding to support the plan. The police department would supply the officers. The administrator enthusiastically embraced the idea and agreed to support it.

The next day Sam Green briefed Sergeant Richards on the idea and then met with the Police Commissioner. He was equally concerned about the problem in Ridgewood and liked the idea and agreed to provide the resources. It was now up to Green to plan the operation and implement it. Green had never done anything like this before and moved cautiously. His biggest concern was who to tell about the plan. In an undercover operation there is the inherent danger that word of it will get out and it will be compromised. Yet, in order to set the plan up he had to inform certain people on a "need to know basis."

He first told the two highest ranking Superintendents in the department. One Superintendent asked if Green was going to tell the Captain of the district. This was troubling because it was rumored that some of the officers that worked for the Captain were friendly with neighborhood youths in the project. On the other hand, if the Captain was not told and came to find out about the plan indirectly, he might feel betrayed. The decision was made to tell the Captain, and he was brought in to see the Police Commissioner, who explained to him the importance of the problem and the sensitivity of the plan.

The next step was to recruit officers who would be willing to go undercover for about two months and live in a potentially hostile environment. The director talked to instructors in the Police Academy about recent recruits who were trustworthy. In addition he needed officers who would not be known to other officers who might patrol the project. After a number of interviews two officers were selected, John and Mary.

Next, arrangements were made to get them new identities, e.g. driver's licenses, and construct case folders on them at the Boston

Housing Authority (B.H.A.). The B.H.A. told none of its employees about the plan, even though they felt some obligation to inform the project manager. The officers were given a car which had been confiscated in a drug seizure. Both officers were shown a list of officers who worked in the project area, and any officers who might recognize them were transferred to other parts of the district. John and Mary were transferred from the districts that they had worked, by telephone call, to the personnel division.

The plan was to have John and Mary move into the development as man and wife. Arrangements were made to actually rent furniture and move it into the apartment. A telephone was installed in the apartment, and various technical equipment (walkie-talkie, cameras, etc.) were loaded onto the truck with the furniture. C.D.U. officers were briefed on the plan and their role, which was to serve as back-up to the undercover officers.

The day came for the move-in, and C.D.U. officers assisted John and Mary in loading the furniture on the truck. Arrangements were made to have an officer pose as a city water worker and arrive prior to the move-in and enter the apartment to setup videotape equipment to record the activity. C.D.U. officers were placed on stand-by assignment approximately two blocks from the apartment, should they be needed. John and Mary, truck loaded, now left for the ride to the apartment. As they entered the development, they drove by a basketball court in which neighborhood youths congregated, and these youths shouted, "Here come the niggers." While they were moving in, someone threw a rock at them, but no one was able to determine who had thrown it.

After the move-in was completed, John and Mary decided to bring the

truck back. C.D.U. officers were parked several hundred yards away and could observe the front of the house. The back of the house faced the woods. After returning the truck, John and Mary then entered the house and observed that the rear window of their home had been broken by a rock. They contacted C.D.U. officers who told them to call "911," the police emergency number, and report the incident as any citizen might do. After about twenty minutes C.D.U. officers drove by the apartment and observed a motorcycle officer who was parked in front of the house. Richards and Green asked the officer what was going on, to which he replied that "a black family had moved into the neighborhood and had a rock thrown through their back window." He went on to say that a district police officer had arrived at the apartment to investigate the incident and the officer recognized one of the occupants (Mary) as a Boston Police Officer. The motorcycle officer turned to Richards and said, "I thought you guys might be putting a plant in here." They denied any knowledge of the plan and left the scene.

C.D.U. officers still in shock over a possible "leak" in the operation decided to leave the immediate scene, park several blocks away, and then walk back through the woods to monitor the back of the house. While in the woods they heard a number of youths drinking and yelling, "Let's bomb the niggers." C.D.U. officers remained in communication with John and Mary by walkie-talkie and stayed in the woods for the next three hours waiting for the youths to strike again. They did not, and C.D.U. officers finally left for the evening.

The next few days were uneventful. C.D.U. personnel would park their cars at a nearby church and then walk several blocks back where they would enter the woods and remain in a position to observe the back of the

apartment. There they would stay in radio contact with John and Mary, who were operating camera equipment to record anyone who might commit a criminal act such as throwing a rock at the apartment. Officers would lie in the woods waiting for something to happen. One evening a number of youths from the neighborhood, whom the C.D.U. suspected of many of the attacks, approached the wooded area where the C.D.U. officers were secreted. One of the youths had a large black dog who started snarling and barking approximately six inches from where Richards and Green were lying. The C.D.U. officers lay motionless, and after about five minutes the youths left, and the C.D.U. officers' hearts started beating again.

After a few uneventful weeks Green decided that it might be time to construct a plan which would "draw the youths out." The idea was to create some activity which a new black couple might be reasonably expected to have. Therefore the following plan was formulated. Other black officers (from another police agency) would pose as friends of John and Mary and drive to their apartment and have a barbecue in the back yard.

Back at headquarters there was some concern that the plan was provocative and might cause a "conflagration," in the words of one police official. After some discussion the C.D.U. director convinced him of the value of the plan to which he replied, "If anything goes wrong, you're responsible." The official then went on to say that "Rumor has it that they (the neighbors) suspect that cops are living out there." Green acknowledged that he had been aware of the rumors but that they were merely that - and that it still made sense to continue the plan.

That night black officers, dressed in informal clothes, were dropped off by cab (driven by a C.D.U. officer) at the apartment. Several minutes later other black officers arrived and joined John and Mary and

the other "guests" at a barbecue in the back yard. A charcoal fire was started, music turned on, and guests went about the business of enjoying the summer evening. At the same time C.D.U. officers had been dropped off several blocks away and had again entered the woods and began to walk to their position behind the house. While they were walking through the woods, rocks were thrown at the plainclothes officers, and the officers took cover. After a few minutes they continued on and positioned themselves directly behind the house in the woods where they could observe any attack from the rear.

For the next six hours the officers lay in the woods waiting for something to happen. At one point a neighborhood youth ran up to the backyard fence, pulled himself up, looked in, and then ran off. After several hours the large black dog again entered the woods and began snarling at the officers. At around two in the morning it started to rain and the "guests" now gone, the officers decided to terminate the operation. As they were leaving, lightning struck approximately six feet from where they had been standing. The tension of the evening was now broken by the comic relief of one officer who observed that a black C.D.U. officer had turned white.

After several months, the decision was made by the C.D.U. director to move the officers out of Ridgewood. Aside from the incidents that occurred on the very first day of the move-in, the officers experienced few, if any, real difficulties. There were several episodes of name calling, but aside from that, no criminal acts. The operation was a disappointment if measured in terms of identifying and prosecuting those responsible for previous harassment to black families. It is possible that either because of a "leak" or because of the living habits of John



and Mary (they frequently went to their real homes at about 5 or 6 in the morning), youths became suspicious of the "family."

On the other hand the operation gave support to the black families that continued to live in Ridgewood. A decision was initially made to let these families in on the operation in order to demonstrate to them the length the police department was willing to go to stop the violence. On nights when the C.D.U. planned a special operation, such as "barbecue night," the other black families in the project were told to call John and Mary's apartment immediately if they were concerned about a potential problem. In this way the presence of the undercover C.D.U. officers would be supportive to the "legitimate" black families in the area. From the time that this operation began, there were no attacks on the other black families living in Ridgewood. It is speculated that two factors may account for this. First, prior to the operation, suspected youths were brought to the Attorney General's Office by the C.D.U. for questioning on their role in the initial conspiracy, and that may have frightened the youths. And secondly, the youths had heard rumors that the police had moved into the project and there "might be other police in the project." The youths had undoubtedly observed the officers secreted in the woods, night after night, and may have concluded that the police were willing to go to extraordinary lengths to apprehend them.

### CASE III: Selective Discrimination (Decoy and Undercover)

#### Background

On Sunday evening, April 24, 1983, Dr. Carl Gray, a psychologist, forty-one years of age, decided to go to a nightclub in Boston called the Star Club. Dr. Gray was wearing a sports jacket, dress slacks, black

leather shoes and a dress shirt. The nightclub charges no admission on Sunday evening and is open to the public. Dr. Gray arrived, by himself, at the club at 10:15 p.m and encountered a doorman who told Dr. Gray, "You can't come in, you don't have a 'VIP' card." Dr. Gray, upon hearing this and believing that special cards were necessary, began to walk away. As he walked away he turned and decided to walk back to inquire as to how one obtained a "VIP" card. Gray was told by one of the doormen, "There is no use applying; the owners are going out of business in six months anyway." As Gray was talking to the doorman, he observed numerous individuals walk into the club without being required to produce a "VIP" card or any form of identification.

Gray angrily walked away and observed a Boston Police cruiser and related the story to the officers. The officers wrote a report on the incident, and although no racial slurs were ever used the officer marked the report "RACIAL INCIDENT." Carl Gray is a black man. The officer marked in the "Special Units to Notify Box" Community Disorders Unit.

#### Follow-Up Investigation

Several days later a copy of the incident report came to the attention of the C.D.U. Although no racial epithets were used, and Dr. Gray was not told he was being barred because he was black, it was felt by the C.D.U. that it was necessary to determine if there was more to this incident than was apparent. Therefore, two officers from the C.D.U. went to visit Gray's home and obtain a complete report from him. This interview occurred exactly one week after the incident, and it was, therefore, a Sunday night. This would prove to be a crucial stroke of luck, as we shall see later. After the officers had completed the interview, they decided to drive to the Star and make observations as to

who was entering the club. This was done in an unmarked vehicle some distance from the establishment.

It was a warm spring evening, and the club was doing a brisk business. The officers observed numerous patrons walk unobstructed into the club. Then the officers observed three individuals approach the club and appear to be turned away. The plainclothes officers approached these people after they walked away from the premises and identified themselves as police officers. The C.D.U. officers asked them why they had not entered. The group was made up of two black males and one white female. They had been asked to produce two picture identification cards. The individuals were well dressed by any standard and were of the following ages: 35, 27, and 31. The legal age for drinking in Massachusetts is 20. When they were unable to produce all of the required identification, they were turned away. During this time numerous white patrons were observed entering the premises without being stopped. A few black males, by themselves, were also observed entering the establishment.

About 45 minutes later the officers observed three (3) black males being turned away from the club. The officers again interviewed them and learned that they were told by the doorman, "The club is overcrowded." The men were also told only those with "VIP cards" were allowed in - this in response to the men's question as to why others were being let in if, in fact, the club was overcrowded.

About 30 minutes later the officers observed a black male and white male, ages 26 and 29 respectively, being turned away. When interviewed the victims were told that they had to have a "VIP card" to enter. When one of the individuals asked how he could obtain a "VIP card" he was told, "You must know the manager." When he asked who the manager was,

the doorman answered, "I am the manager." One of the individuals was also told that his shirt did not have a collar and that was another reason he could not enter. All during this time the two men observed numerous white patrons walk right by them, some dressed in jeans with shirts without collars, never being stopped or questioned in anyway by the doormen. The report from the C.D.U. officers concludes with the following observation:

During this period of surveillance, approximately two (2) hours from 10:45 p.m. to 12:45 a.m. these officers observed about one hundred (100) persons enter the Star Club. During this observation it was noticed that a great number of white males and females, single and in groups, were being admitted without hesitation or being challenged for any form of identification. During the same period, it was noted that an occasional black male who was alone was being allowed to enter after being challenged, but whenever a group of black males attempted to enter they were denied.

It should also be pointed out that, whenever a mixed group, that is, composed of blacks and whites, attempted to enter, they were also denied admission. The officers concluded their report by noting that the club allowed additional patrons to enter after it had told blacks the club was overcrowded.

#### Analysis

These reports were carefully reviewed by C.D.U. administrators and, discussion now focused on the appropriate next step. This was a new area that the C.D.U. was engaged in, and it was agreed that, since this establishment is granted an alcohol and entertainment license by the City of Boston and police officers are "agents" of the Licensing Board, therefore, the Licensing Board was the appropriate agency to hear these complaints.

The C.D.U. felt there was sufficient evidence to document that many

black patrons were being treated in an arbitrary manner. It was not the contention of the C.D.U. that all blacks were being denied admission but rather that a form of "selective discrimination" was taking place which arbitrarily barred certain blacks from entering the club. The C.D.U. had a number of civilian witnesses who could testify to this treatment. However, the testimony of undercover police officers would lend additional credibility to the case. Further since some blacks were being admitted to the club it was felt that there was a need to go one step further to make the case more compelling. What was necessary was to develop a covert undercover operation to "test," in a controlled manner, a theory. The theory was that blacks in groups or with whites were being treated differentially, and therefore, this action was arbitrary and in violation of Licensing Board regulations.

#### Development of Undercover Strategy

It was decided to put together an operation that would test this theory. Careful planning was needed to make the operation a success. The operation was designed to closely resemble the field observations. Therefore, three groups of officers would be selected to enter the establishment on a Sunday evening.\* The first group (the control group) would be made up of four white male police officers between the ages of 25-35. The second group (test 1 group) would be made up of four black male police officers between the ages of 25-35. The third group (test 2 group) would be made up of three police officers, two black male officers and one white female police officer, again between 25-30. All would be

\*On Sunday evenings the club charges no admission fee and therefore attracts a large crowd. C.D.U. observations indicated that the club was more likely to discriminate against blacks on this evening because no revenue could be lost.

well dressed in at least a sports jacket, tie, dress shirt, shoes, etc. The female officer would be equally well dressed.

The next question in any undercover operation is how to obtain the officers without the operation becoming known. (It was not possible to use just C.D.U. officers, as the characteristics and number of officers needed exceeded the limits of the C.D.U.) Therefore, Green briefed the Police Commissioner on the proposed operation; he supported the plan, and then told the Chief of Patrol that he would need a number of police recruits for an "undercover operation." These officers would be replaced by officers on overtime. Green has a good working relationship with the Chief, and he agreed to the request, and no further questions were asked. Green then called an Area Commander with whom he was well acquainted and told him that he would need five officers who were between the ages of 25-35 for an undercover operation. No mention was made of the nature or location of the assignment.

Arrangements were made to place a van near the entrance of the club with officers inside the van to photograph the undercover officers as they attempted to enter. Additionally, officers would be photographed in their respective groups at headquarters to record how they were dressed on the night of the operation. An officer would enter the club to record the number of patrons inside to determine if overcrowding existed.

#### The Operation

On Sunday, May 1, 1983, police officers involved in this operation gathered at Police Headquarters for a briefing. There an overview of the operation was presented. Officers were told that they were to attempt to enter the club. If asked for identification, they were to present their Massachusetts driver's licenses. They were to make observations as to

who was at the door and who was being allowed in if they were detained at the door.

The surveillance vehicle was in place. At approximately 10:30 p.m. officers from this vehicle radioed to the other officers in a staging area (approximately one block from the club) to send down the first group. The first group (the control group) walked by the doorman and right into the club without being stopped. Within five minutes the second group was sent (test 1), and upon reaching the entrance, the undercover officers were all asked to present identification. While producing this information, the officers observed numerous white patrons walk right past them and the doormen without being stopped. Not one patron was stopped while the officers were detained.

After producing the identification, the officers were allowed into the club. The third group (test 2) was notified to attempt to enter. As the two black male undercover officers and the white female undercover officer approached the door, they were asked for two photo identification cards. When they were unable to produce a second photo identification card, they were denied admission. While the undercover officers stood questioning the doorman they observed numerous white customers walk past the doorman without being questioned. When the doorman was asked as to why he was allowing other patrons to pass by (white males and white females) without checking any identification he stated, "I know them." He said it was "the club's policy to require two (2) photo I.D.'s from patrons who are unfamiliar to me." All of these observations were carefully written up in separate reports from each group.

#### Field Observations

The second phase of the operation that evening evolved as officers on

the perimeter of the entrance observed numerous random blacks being turned away. Green had C.D.U. officers approach each individual who was turned away to determine precisely what had happened. One pair of black males was told they needed "VIP cards" to enter, while they observed numerous white patrons enter the club. Another black male was asked to produce a valid Massachusetts driver's license, which he did, and then was told he couldn't be admitted because he wasn't wearing a dress shirt. Officers inside the establishment observed patrons attired in a variety of types of clothing, including the type of clothing the black man wore.

A third incident occurred when two black males were asked to produce a driver's license only to be told they could not enter because one of the males had on jeans. When the individual told the doorman they were "designer jeans" and why weren't other patrons stopped who were wearing jeans, the doorman's response was "They work here." This individual told C.D.U. officers that this was the third time he had tried to enter the establishment in a year only to be given a different excuse each time for not being allowed into the club.

C.D.U. officers did observe two black males, approximately 6'7" in height, shake hands with the doorman and then walk into the club. Officers inside the club observed other large black males inside the club who appeared to be athletes. There were a number of other black citizens who were not allowed into the club in what became a systematic pattern: the requirement of two (2) photo I.D.'s or a "VIP card," or "proper dress." All of these incidents occurred while the surveillance van recorded white customers freely walking into the club without being stopped. At around 12:15 a.m. C.D.U. officers identified themselves to



the Star management and obtained information regarding the owners of the club. The doorman who had been requesting blacks to produce several forms of identification had no identification on him and was told by the C.D.U. officers to obtain identification. The management was served with a "licensed premise violation." The citation notice read "that the owner and employees did discriminate on account of race relative to admission of black citizens."

### The Hearing

The Licensing Board received the violation notice together with copies of the reports from the police officers as well as individual reports on each of the black citizens that were denied admission. On Tuesday, June 1, 1983, the Licensing Board convened a session to hear the Star case. C.D.U. officers had received assurances from eight (8) citizens that they would appear as witnesses for the prosecution. The session was to begin at 11:30 a.m. At 11:25 a.m. only two of the witnesses had arrived for the hearing. Most significant of all, Dr. Gray, who had said he would be there, had not yet appeared. In the hearing room officers observed one prominent black T.V. personality, as well as several professional black football players, who were scheduled to testify for the defense. As the Licensing Board Chairwoman convened the session, suddenly in walked Dr. Gray. He was the first witness, and he recounted how he walked to the door of the club and was told that he must have a "VIP card", while he watched as others strode past him. There was quiet indignation in his voice, yet his story was told in a calm and professional manner. Two more witnesses took the stand and then police officers from the C.D.U. testified as to their observations.

The defense called as its first witness, a well-known local black

media personality, who told the Board that he had been coming there for years and has never had a problem. He likened the establishment to the "United Nations." A professional black football player was called to the stand, and he stated that he and several other players frequented the club and have never had a problem. Several other witnesses were called by the defense including a "consultant" who devised the "VIP card" system. He could not explain how the cards were distributed, except to say it was his "instincts" which determined who was given a card. He testified that there were blacks that have "VIP cards" but when asked he could not recall any of their names. The session was adjourned until the following day.

That night C.D.U. administrators instructed officers to visit all witnesses who had promised they would appear and didn't and make sure that they are present the next day. In particular, they were instructed to tell the witnesses that this case would be determined on the preponderance of evidence and that their testimony was crucial. The next day all of the prosecution's witnesses appeared at the hearing.

The prosecution called a number of witnesses who testified to the admission practices at the club and basically reinforced the previous day's testimony concerning "VIP cards, " photo identifications, etc. One citizen, who had read about the case in the paper, walked in off the street, unbeknownst to the police, and asked if he could testify. He, too, had been denied admission to the club.

The defense presented several black customers who said they frequented the club and in the same words as the T.V. personality likened the club to the "United Nations." The last witness for the defense was a disc jockey for the club who testified to his observation that the club was

frequented by many citizens both black and white. Just as he was about to finish his testimony, much to the defense attorney's obvious delight, he asked if he might say one more thing. The lawyer agreed and he said... "As a matter of fact, there are so many blacks in the club that the whites complain that we let too many of them (blacks) in." There was mild laughter in the room, and the Chairwoman thanked the witness for his testimony and concluded the proceeding.

Three days later the Licensing Board for the City of Boston revoked the license of the Star Club. This was the first time in the history of the city of Boston that the Licensing Board had ever revoked a club's license for discriminatory practices. The club appealed the decision to the State Alcohol Beverage Commission, which subsequently upheld the Licensing Board's decision. Several months later, after the Star Club's final appeal was exhausted, the establishment was permanently closed.

CHAPTER VI: PERSISTENT PATTERNS OF RACIAL VIOLENCE:

A LEGALISTIC APPROACH

There were basically two kinds of attacks that the victims of racial violence experienced: random and chronic. Random attacks occurred to those individuals who, through no fault of their own, happened to be in the wrong place at the wrong time. For example, a white motorist would be travelling through a black section of the city where a carnival had just ended and would suddenly be the recipient of racial slurs coupled with rocks and bottles thrown at his car. The victim, while selected because of his race, was randomly selected rather than specifically targeted. The attack was spontaneous rather than planned. The C.D.U. response in cases like this was to identify the attackers and bring them before the court. In terms of prevention there was usually little that the C.D.U. could do, since the nature of the act was random and spontaneous.

On the other hand the C.D.U. came to quickly recognize that there was a set of citizens who were the victims of chronic attacks. They were selected, not only because of their race, but also because of where they lived. Acts of violence to them could be either spontaneous or planned, but in either case it reflected a persistent pattern of racial harassment aimed at intimidating them and persuading them to leave the neighborhood. These were the C.D.U.'s "regular customers," and the C.D.U. came to know them quite well. Night after night the property and the persons living at these addresses would be targeted for violence. Initially the attacks would occur either in the middle of the night or when the victims were not home. However, as time went on and the attackers acts went unpunished, they would become more brazen and would directly confront the victims.

Through neighborhood friends and contacts with the police, the victims came to know exactly who was responsible for the violence. When the police response was either indifferent or ineffective, the attackers became even bolder. And when the police did make arrests, the district courts contributed to this perceived indifference by the leniency with which they treated these offenders.

The local courts were reluctant to send a youth "away" for breaking a window or spray painting the word "nigger" on a home (even though this act had occurred countless other times to the same home). Suspended sentences, probation, continued without a finding, all became commonplace court responses to these crimes. In most district courts clerk magistrates (who are not judges and often not lawyers, but merely individuals appointed by District Judges) decide whether to grant criminal complaints after a hearing. And it has been the experience of the C.D.U. that many clerks have allowed their own personal biases to get in the way of the facts. Up until 1980 it is accurate to say that the uneven and sometimes indifferent way that the district courts handled cases involving racial violence could have contributed to a perception on the part of the attackers that they were untouchable. Arrests would be made; victims would go to court and identify their attackers; and either complaints would be denied at the hearing level by clerk magistrates, or if a trial resulted, the sentence was often little more than a warning at best. This will be elaborated on in Chapter VIII.

The victims soon became discouraged in a process in which they were "victimized" several more times after the initial incident. For example, in the original incident they might be called racial names and assaulted. They would call the police, who would identify the suspect, and a hearing

would be set up to determine if complaints should be granted. A hearing, trial, and an appeal would all mean missing work for the victim. Appearance in court would place the victim (and his family) in fear of retaliation from the defendant's friends, and if the defendant was found guilty, the end product was usually little more than a reprimand. It is not surprising that, given this usual scenario, victims lost confidence in both the police and the courts.

#### DAY FIELD

This pattern of chronic attacks occurred to the Bush family who lived in the Day Field section of Hyde Park. Day Field is a predominantly white working class section of the city in which few black families lived prior to 1975. In 1979 the C.D.U. recognized that the Bush family, who are black, were targeted from the day they moved into the neighborhood, because they were black. The C.D.U. took countless reports of broken windows, threats, harassment, etc. from the Bush family. Mr. Bush once said that that since moving to Day Field he was called "nigger" more times in one month than in all of the 18 years he had lived in Georgia.

On a number of occasions C.D.U. officers remained inside the Bush home with back-up units waiting for the attackers to strike. Numerous arrests were made by the C.D.U. with the help of the Bush family, who, by now, knew the attackers by name. The district court reflected the unevenness discussed above in its handling of these cases. Very few, if any, youths involved in these attacks who were positively identified by the police served anytime in jail. The Bush family, while appreciative of the C.D.U.'s commitment to their problem, was very discouraged with the court response to these attacks which steadily got more violent. A brief summary of some of the incidents may be helpful in appreciating the

absolute terror that the family faced.

In May, 1979, one youth told Mrs. Bush, "I'll burn your house down. If you try to get me, I have connections, and you'll only get hurt."<sup>1</sup> Another youth would sit in front of their home and play his radio to the late hours of the evening and when the family would ask him to turn it down he would say, "Niggers, we are going to burn your house down, and we are going to break your windows tonight."<sup>2</sup> Another day this same youth would say, "Nigger, we're going to kill you and your dog," "Mrs. Bush, I'm going to rape you,"<sup>3</sup> and on and on. In 1981 one youth jumped over the fence and tore the mailbox off. Several days later this youth said, "I'm going to kill you, your husband, and your dog. I see you in the streets every day. I can get you," then he spit in her face.<sup>4</sup> Windows of the home would be broken over and over again, threatening calls became so common that the family often did not answer the phone. Their son, who was nine, was terrorized as he played in the field across the street. The acts of violence went on and on.

The C.D.U. considered the Bush case to be one of its highest priorities. Although it had made a number of arrests, the problems continued to the family, and the C.D.U. felt that more needed to be done to protect the family. C.D.U. officers watched the home in surveillance vehicles making observations of the Bush home on those nights that crime analysis information indicated the attackers were likely to strike. On most nights it seemed that the suspects knew that the C.D.U. was in the area and rarely engaged in any type of incident.

The C.D.U. had been working closely with the Civil Rights Division of the Attorney General's Office, and both agencies agreed that there was a concerted effort to drive minority families out of Day Field. They were

aware of the number of arrests which had already been made and the leniency with which the district court had handled the cases. Something had to be done differently, or else these families would flee the city.

A significant event occurred on February 14, 1980, which would be a turning point for both the city and for the way law enforcement agencies could deal with racial violence. The Governor signed into law the Massachusetts Civil Rights Act. This act delineated substantial criminal penalties for anyone who interfered with the civil rights of another. In particular it authorized the state attorney general to "seek injunctive or other appropriate equitable relief whenever a person interferes, or attempts to interfere, by threats, intimidation or coercion," with the exercise of a constitutionally protected right.<sup>5</sup> Although the language of the act never specifically mentions race as a protected right, there was significant federal case law (the Massachusetts civil rights law closely modeled the federal law) to justify the use of the act in these cases.<sup>6</sup>

As has been discussed, in 1978 the C.D.U. was fortunate to have been exposed to a unique federal law enforcement tool which could supplement the criminal process. The city, at that time, filed suit in federal court under the federal civil rights statutes to enjoin certain individuals from engaging in acts of violence against minority citizens of Boston. The C.D.U. came to learn of the significance of this process which, because of the lower evidentiary standard required in a civil suit, might be a valuable supplement to the criminal process and would have an immediate impact and enjoin future acts.

Now, with the passage of the state Civil Rights Act the Attorney General could seek injunctive relief in the same way the federal law was



used in 1978. In December 1980, members of the C.D.U. and representatives from the Attorney General's Office met with Mrs. Bush and about thirty of her friends and neighbors. At this dinner meeting, which was hosted by a local bank, Mrs. Bush and her neighbors expressed considerable discouragement and frustration at the inability of the police and the courts to stop the violence. At this point, representatives of the C.D.U. and the Attorney General's Office presented to the group a plan that they had been working on for some time. They had documented all the incidents that had occurred to the Bush family and other minority families in the area. They had then identified those responsible for the incidents in an unprecedented effort to utilize the civil aspect of the civil rights act to seek injunctive relief for these families from future acts of violence. In addition, they had carefully prepared legal arguments to demonstrate why the Massachusetts Civil Rights Act could be used in cases of specific patterns of racial violence. The officials asked for the cooperation of the group in providing statements, documenting additional incidents, and identifying suspects. This information would then be formulated into affidavits to be submitted by the Attorney General to the Superior Court where the officials were confident the case would be taken more seriously. The group agreed to help, but having been disappointed so many times before, was understandably skeptical of what could be accomplished.

As the officials were gathering this information for their case a series of incidents occurred on July 5, 1982 which proved to be both significant and compelling. On this hot summer evening a group of white youths blocked a black man's car as he approached his home in the Day Field neighborhood. One of the youths kicked the man's car and hit it with

a tire iron and yelled, "You dirty niggers, we will kick your nigger's ass,...you niggers are going to clear out of here." A police officer was called to the scene, and when he tried to identify the perpetrators, he was called a "nigger-lover" and told that they would "get him too."<sup>7</sup>

Later that evening the same group of youths walked toward the Bush home. As they approached the home, they shouted racial slurs and threats such as, "Nigger, you don't belong here, and nigger, we're gonna burn your house down." Several members of this same group threw bricks and pieces of cement at the home. The youths also threw rocks at the police officer who had responded to the incident and continued to call him a 'nigger lover.'<sup>8</sup>

The final incident of the night occurred when three female members of the Bush family went for a walk to a nearby variety store and were assaulted and beaten by the same youths. C.D.U. officers who were on the scene from the previous incidents intervened and were also assaulted by the group. The C.D.U. was notified and immediately ordered a police car to remain in a "fixed post" in front of the home of the Bush family. The head of the civil rights division of the Attorney General's Office was then informed of the incidents.

Statements were obtained from each of the victims which were formulated into affidavits and signed by the victims. Mrs. Bush began to receive threatening phone calls, and arrangements were made with the telephone company to have a "trap" placed on the phone to determine the origin of the calls. The F.B.I. was contacted and entered the case and provided valuable technical assistance. Police protection continued to be highly visible in the area. After working closely with the C.D.U. an Assistant Attorney General went into Suffolk Superior Court on July 9,

1983, to obtain injunctive relief for the Bush family and other black citizens of Day Field in an effort to use the civil provisions of the 1980 State Civil Rights Act to enjoin ten individuals from harassing the black families. The main argument made by the prosecution was that the constitutional rights of the minority families were interfered with by the named defendants.

The facts clearly establish the defendants by their actions have interfered by threats or intimidations with the exercise of several rights: the right to own or rent housing free of interference because of race, to travel freely on the roads and sidewalks of their neighborhood, to associate with people of other races, and to aid and encourage others to exercise and enjoy those rights.<sup>9</sup>

The brief filed went on to state that the "defendants, in groups and individually, have engaged in a pattern of activity over years, designed to harass, intimidate and injure members of (certain) families, because the members of those families are black."<sup>10</sup> The case specified a plethora of incidents and identified ten youths who were responsible for the acts.

After hearing all the evidence, a Superior Court Judge ordered a temporary restraining order enjoining the youths from harassing their black neighbors. The order prevented them from gathering in the park across from the Bush home or the adjoining streets. Subsequently, a consent judgment was ordered by the Superior Court in response to the Attorney General's complaint for court ordered injunctive relief. The judgment was the result of an agreement by the Commonwealth and the defendants in which the defendants were ordered to refrain from:

(1) ...assaulting, threatening, stoning, insulting on racial grounds, intimidating, harassing, or verbally abusing by phone or otherwise black residents of the Day Field area of Hyde Park or their guests;

or stoning, firebombing, or otherwise causing injury or damage to the persons or property of those residents or their guests.

(2)...preventing any black resident of the Day Field area of Hyde Park from peaceably residing at and enjoying the full benefits of his or her real property.

(3) ...congregating in a group with one or more other defendants on Day Field (or on delineated streets.)<sup>11</sup>

The consent order was signed by seven of the defendants; two defendants who were originally named in the suit were dropped from it; and a third voluntarily agreed to comply with the terms of the agreement and was covered in a separate agreement. The Superior Court Judge who issued the judgment took a special interest in the case and issued the following statement in open court:

Anyone who violates this order will see the inside of Deer Island, and I mean what I've said. Let there be no mistake - the court will continue to have jurisdiction over this matter, and any violation will be treated most severely.<sup>12</sup>

The Judge's words made headlines, and for the first time many of the Day Field victims felt the system was finally being responsive. The events in Day Field, though for many years unnoticed, were now dramatically unfolding in an unprecedented publicized court decision. However, only five days later one of the defendants challenged the order. The defendant stopped in front of the Bush home and staring at Mrs. Bush placed his hands on his hips in a "menacing" way. Several minutes later he took out his penis and urinated. He then threw his middle finger into the air and stood in this position for about a minute. Mrs. Bush called the police who arrested him and charged him with open and gross lewdness. The head of the Boston Committee (a group formed by the Mayor to combat racial prejudice in the city) remarked, "I'm sure he thought he could violate the court's order because the District Court has continually

refused to act on racial complaints."<sup>13</sup>. (The district judge later reduced the criminal charge from a felony to a misdemeanor, continued the case, and set the defendant free.)

But Superior Court was another matter, and the judge was visibly angry at the defiance that the defendant had shown for his order. The defendant admitted that he had urinated and that he was drunk but denied gesturing or shouting at Mrs. Bush. However, the judge found him guilty of contempt and sent him to Charles Street Jail for sixty days. The decision in part said:

(The defendant's) total conduct, not viewed in episodic isolation, but taken as a whole, his obscene gestures, his staring, his lewd exposure, his urination in the view of the plaintiffs, their son, and their guest, the shouting of the plaintiff's name - his total conduct - all of this demonstrates to me beyond a reasonable doubt that the defendant intimidated, harassed, and verbally abused the plaintiffs on the offenses in question. Particularly is this so, given the past history of racial slurs, harassment and intimidation disclosed in the trial of the civil action.

...In sum, I find that the defendant's actions on the afternoon in question violated several provisions of the Final Judgment Upon Consent; that they flouted the Court's authority, power and dignity; and more a voluntary, knowing disobedience of the provisions of that judgment, without legal excuse or justification.<sup>14</sup>

For the first time, in as long as anyone familiar with the racial violence around Day Field can remember, someone was held accountable for his actions. The injunction turned the corner on the Day Field violence and was a valuable lesson in the fight against racial violence.

Injunctive relief has proven to be an effective law enforcement tool to deal with those problems which are not spontaneous, but rather reflect a concerted effort, or pattern, to deprive someone of their constitutionally protected civil rights. In another use of this strategy, the C.D.U.

became aware of a series of menacing letters directed at black and Jewish high school teachers, which contained inflammatory racial threats. These letters generated considerable anxiety and fear in the school, and the school administration wanted to find out who was responsible and make them accountable. After consulting with the Attorney General's Office the C.D.U. undertook a major investigation. A search warrant for the home of one of the teachers was obtained after C.D.U. officers gathered sufficient evidence which indicated that this person was responsible for the letters. Typewritten material from the suspect's home was sent along with the typewritten letters to the F.B.I. Crime Lab in Washington for analysis. When the results indicated that the suspect was, in fact, responsible for writing the letters, the C.D.U., with the Attorney General's Office, again utilized the civil process of the civil rights statute to enjoin the defendant from "threatening, intimidating or harassing" the other teachers by sending the letters. The case was about to go to trial when the defendant agreed in an out-of-court settlement to resign from the school and refrain from threatening any teacher in the future.

CHAPTER VII: COORDINATING THE DEPARTMENT'S ROLE IN RACIAL

CONFLICT: THE ORGANIZATIONAL PERSPECTIVE

When the C.D.U. was formed in 1978, the policy statement envisioned a unit that was capable of monitoring the entire department's role in racial conflict. With just three officers this task seemed unrealistic if not unworkable. Yet by as early as 1979 the C.D.U. had begun to show signs that it was capable of more than simply serving as "window dressing" for a department that was struggling to deal with racial violence. Beyond the investigative role that the unit had initially established, the C.D.U. assumed larger responsibilities which encompassed the entire department and involved administrative responsibilities, a planning role, lobbying efforts and involvement with the community.

Administrative Responsibilities

Troubleshooting Role

The street level nature of C.D.U. activity exposed the unit to a number of problems from both an internal and external perspective. From an internal point of view C.D.U. officers would frequently uncover a number of deficiencies in the way a particular incident was handled by district officers. For example, after responding to a firebombing in a public housing development, the C.D.U. reviewed reports of incidents to that location for the past few years. The C.D.U. discovered a number of incidents which indicated a pattern of racial violence. The district had not sent the reports to the attention of the C.D.U. as department policy had required.

From an external perspective the C.D.U. had come to learn from the victims of racial violence the unevenness in the performance of district officers. In some cases citizens would complain of what they perceived

to be a certain "attitude" on the part of responding officers which gave them the strong impression that the police were insensitive to their plight. Much like the victims of rape who feel the police are merely an official extension of the violence they have experienced, some victims of racial violence viewed the police in a similar way. In some cases victims of racial violence would tell C.D.U. officers that district officers would ask the victim a question such as, "Why did you move into the neighborhood? You must have known you weren't welcome..." In other cases C.D.U. officers would interview victims and learn that, after they had called 911 the police either did not come at all, or when they did come, failed to get out of the car to talk to victims. Worst of all, the victims might confide in the C.D.U. their concern that certain police officers appeared to be siding with the youths responsible for the violence.

This information would come to the attention of Green, who was faced with a dilemma. He recognized that something had to be done to respond to these specific incidents. However, he knew only too well that if punitive action resulted to the district officers based on information gathered by the C.D.U., then C.D.U. officers would be placed in a very tenuous position. The officers of the unit depended upon the district officers for a myriad of functions including assistance in investigations, back-up in emergencies, and as sources of information. If the officers of the C.D.U. even appeared to be serving an internal affairs responsibility (the unit that investigates allegations of police misconduct), then C.D.U. officers would quickly be singled out as "rats," in the police parlance for informers. And the consequence of this label would be the end of any further assistance by district officers to the C.D.U. in their investigations. From a career point of view, C.D.U.



officers would be viewed as marked men and would be effectively "silenced" in a culture that places a high price on secrecy and loyalty to other police officers (Westley, 1970). C.D.U. members vehemently rejected this role, as did Green, who was sensitive to the inherent danger of an internal affairs role which in the long run would effectively cripple the unit's necessary symbiotic relationship with the rest of the department. We shall elaborate on this issue in Chapter XI.

### Training

One strategy to address the kinds of persistent insensitivity problems which were just discussed, without singling out particular officers, was to integrate these issues into an in-service training program. Beginning in 1981, with the assistance of a federal grant, the C.D.U. developed a number of one-day training seminars for district supervisors. At these sessions C.D.U. officers presented a series of case examples, such as the East Boston incidents, the Day Field case, etc., and underscored both the positive and negative responses of the department without focusing on particular officers. The Police Commissioner, as well as several of the highest ranking Superintendents, underlined the importance of sensitivity to racial incidents. The department's legal advisor would describe the on-going court cases in which several officers were being sued because of alleged negligence in these cases. Outside groups such as the Lawyers' Committee, the Attorney General's Office, the Boston Committee, and the Justice Department also participated in the sessions.

Many of the classes became heated, as some officers resented what they perceived to be a bias in favor of minorities. It was not uncommon for an officer to say that the department, and in particular the C.D.U.,

was doing "too much for the black victims and not enough for white victims of violence." It was difficult to evaluate how effective these training programs were in changing behavior in these cases, but many officers seemed to walk away from the sessions with an appreciation for the priority that the department had placed on the problem and the fact that, whatever their own personal feelings might be, certain groups (the Lawyers' Committee, private attorneys, etc.) were seeking compensation from individual officers as well as the city for failure to adequately protect citizens from violence. After three years the C.D.U. had trained over two hundred (200) officers in the department, including approximately one-third of all supervisors.

#### Coordination with Agencies

The C.D.U. had developed a close working relationship with local, state and federal prosecutors. Many of these agencies came to depend upon the C.D.U. for thorough investigations, and it was not uncommon for an agency at either the state or federal level to refer a victim of racial violence to the C.D.U. after the victim had been reluctant to speak with the local district police. In 1982, when advocacy groups complained of a lack of coordination between these agencies, a task force was established by the Boston Committee which included representatives from all three prosecutorial branches. This task force designated the Community Disorders Unit as the central clearinghouse for coordinating the investigation of these cases and keeping these agencies up to date on racial incidents. On a periodic basis Sergeant Richards routinely would send copies of incidents to the Civil Rights Division of both the Attorney General's Office as well as the F.B.I. (the F.B.I. serves as U.S. Attorney's representative).

In addition to this responsibility, the C.D.U. works closely with the Boston School Department and the Boston Housing Authority (B.H.A.). A member of the C.D.U. was specifically designated to serve as a liaison to each of these agencies. The School Department, by and large, chooses to handle most racially crimes internally; however, when an incident appears to be of a serious nature, the C.D.U. is called in to investigate.

Many of the initial cases that the C.D.U. investigated occurred in public housing developments, and the B.H.A. provided the C.D.U. with a grant to assist them in curtailing racial violence in public housing, and these funds were used for both investigative and anti-crime purposes. For example, when the B.H.A. began to use black maintenance workers in a predominantly white development in the city, C.D.U. workers posed as public works employees to monitor the workers and be available to intervene, should it appear that an incident might occur.

The C.D.U. also came to be called upon by a variety of other organizations for assistance. The Lawyers' Committee naturally referred many victims to the C.D.U., as did the Community Relations Service of the Justice Department, the Anti-Defamation League, the Boston Committee, and agencies as diverse as the South Boston Information Center and the Roxbury Multi-Service Center.

#### Planning Role

Whether by design or by chance, but usually out of necessity, the C.D.U. had become the natural depository for any problem which had the potential for racial conflict. In some cases this necessitated the C.D.U. to develop operational plans in anticipation of foreseeable problems. This is best illustrated by the case of the Boston Housing

Authority's efforts to desegregate public housing.

In the fall of 1978, representatives from the B.H.A. informed the department that they intended to embark upon a program called the Minority Preference Assignment Plan (hereafter called the Plan), which enabled minorities to be immediately placed in developments which were predominantly white.<sup>1</sup> (The converse was true for white applicants who sought housing in black developments.) The objective of the Plan was to desegregate developments which tended to be racially homogeneous. The Plan engendered considerable resentment from white applicants who, because of the dearth of public housing (in white developments), had waited years to be placed in a development and now were being passed over by those who had just recently applied. Many viewed the Plan as a form of affirmative action for housing.

In early November the B.H.A. informed the department that a young black woman and her nine month old child had applied and been accepted under the Plan to enter the Sullivan Development in South Boston. This development was almost exclusively white and was considered to be one of the most attractive developments in the city. White applicants from South Boston had waited over three years for a placement in the Sullivan Development. Numerous meetings were held between the B.H.A. and police officials. The Police Commissioner looked to the C.D.U. to develop a coordinated safety plan to ensure the peaceful implementation of this Plan.

Although it was 1978 memories of the violence and hostility of court ordered busing in South Boston in 1974 were still fresh in the minds of many police officials. The irony of the situation was that once again it was South Boston that was selected as the first area to be targeted with

a radical new program that pitted poor whites against poor blacks for what many viewed as sub-standard housing at best. Many citizens of South Boston felt victimized by what they considered to be outside interference by the so-called social planners. The sentiments of one columnist in a local South Boston newspaper reflects the anger that this Plan engendered:

...This is just the first test case, they have fourteen more ready to come in, more to follow these. This denies more of our residents admittance.

...No, we don't like the thought of a possible influx of blacks into our community, and nearly one hundred percent of the many residents we talked to feel the same way. And believe it or not, it isn't plain racism like the media would tell us. It's a legitimate concern about what has happened in other neighborhoods. We all know the facts. Every integrated or predominantly black area of Boston has a staggering crime rate.

...The long range plans of the social planners and developers is to break up the South Boston community as we know it. They hoped to do it with Forced Busing, but it didn't work. Forced Housing is their next attempt.

...Once again we urge no one to cooperate in anyway with these plans. We also urge you not to talk to police or federal officials about this issue and especially the media. We all know they distort.

Every group, organization, and individual in South Boston must unite, and work together to preserve this town the way we know it.<sup>2</sup>

Both Green and Richards recognized the potential for violence or disruption and the need for careful planning to ensure the new family's safety. The city had continued to retain the service of the Washington attorney, Ted Levin, and his staff to work with the C.D.U. on a safety plan. The city was in jeopardy of losing federal funds if the developments were not integrated and one of the conditions that the city agreed to with HUD was to create a special unit within the police department which would be responsible for assisting to provide safety in the developments during this process. The unit was established in the fall of 1978 and was called the Neighborhood Policing Unit (N.P.U.) and would work closely with the

C.D.U. The N.P.U.'s major and only responsibility was the peaceful integration of the housing projects. The N.P.U. was made up of two sergeants and ten officers who were drafted into the unit. Almost to a man (or woman) each expressed considerable irritation and dissatisfaction with this assignment. They were given a week of training (mostly supplied by the C.D.U.) and then informed that their principal assignment was to protect the new tenant in South Boston.

Over the next few weeks the C.D.U. worked with Ted Levin and his staff to formulate a security plan. There was considerable controversy over whether police presence should be low or high-key. Many argued that high police visibility at the development would be interpreted by the South Boston community as a sign that the community could not be trusted, and this might result in the unintended consequence of actually causing problems for the new tenant. On the other hand a low-key, nonvisible, police approach to the problem flew in the face of the experiences of many individuals who went through the violence of school busing in 1974. At that time the police department had initially decided to deploy its officers in a low-key manner and only graduate to a full complement if the situation warranted it. This approach was criticized later by some who viewed it as inappropriate in view of the anticipated problems. The U.S. Commission on Civil Rights noted in August, 1975:

Anticipated disorder must be confronted with an aggressive and committed police response so that the community is on notice that attempts to create disorder will be suppressed quickly and efficiently and will not be permitted to escalate or spread. The minimal police presence approach which was appropriate for most of Boston should not have been applied to the areas in which trouble was anticipated. As a result of the minimal police presence approach, one projected trouble spot became a problem and affected other areas of the city.<sup>3</sup>

In view of this and the tremendous hostility that the plan generated in the South Boston community, it was the opinion of Levin and his staff that the department would be open to criticism if it did not develop a security plan that ensured the tenant the maximum amount of protection. Therefore, elaborate steps were taken which included physical modifications to the apartment such as the installation of unbreakable glass in all windows, an alarm system connected to police headquarters, additional lighting on the roof and new locks on the doors of the apartment. The B.H.A. agreed to hire private security for inside the building, and the N.P.U. was responsible for protection of the area around the apartment. Various law enforcement agencies were informed of the plan, including the F.B.I., the State Attorney General's Office, and the Community Relations Service of the Justice Department. District officers were informed of the scheduled move-in. Levin's staff prepared draft pleadings for a temporary restraining order against any group that might attempt to interfere with the implementation of the plan.

The N.P.U met with the Sullivan Tenant Council in an unsuccessful attempt to gain their cooperation in supporting the plan. Representatives of the C.D.U. met with local members of the South Boston Information Center (the local anti-busing group) to urge their cooperation (a futile effort). C.D.U. members "reached out" for more responsible members of the community to gain their support, and this too proved largely fruitless, although some members of the clergy agreed to be helpful behind the scenes.

Several weeks before the actual move-in Richards and Green met with the young black woman who had been chosen by the B.H.A. to move into South Boston. Carol Smith was a twenty year old woman who was bringing

up a small child alone, while at the same time attending college on a full-time basis. She was from Jamaica and knew very little about Boston and even less about South Boston. When Green and Richards first arrived at her apartment, she was curious as to why the police were concerned about her safety. Green and Richards were equally cautious about not alarming her, yet at the same time felt an obligation to brief her on what she might be subjected to in South Boston. They learned that Smith had already experienced her first incident. She and her mother were subjected to racial epithets when they went to look at the South Boston apartment prior to the move-in. The incident had frightened her, and her family encouraged her to seek an apartment in another section of the city; however, the B.H.A. informed her that another apartment (in a black development) would mean a considerable wait of at least two years. Since she required housing immediately, she selected the South Boston location.

The day came for the actual move-in. C.D.U. officers met Smith at her apartment where movers had already arrived and were in the process of loading her furniture onto a truck. The plainclothes officers carrying walkie-talkies aroused the curiosity of the movers. When one of the movers discovered where Smith was moving, to he commented to a C.D.U. officer, "You guys are crazy, she'll never last there."

Levin kept in direct communication with C.D.U. officers who accompanied Smith to the apartment. Shortly after Smith's arrival, a small crowd gathered in front of her apartment (the South Boston community network was more reliable than Bell Telephone) to voice their opposition to her presence. Rumors circulated in the community that she had been "planted" by the N.A.A.C.P. to cause problems. After several hours Richards and Green left the scene and drove to a nearby restaurant



approximately two miles away. They decided to bring back food for Smith who had not yet eaten. While they were walking out of the restaurant, a man stopped the two and said, "So you're going to feed them too, huh?" They had been followed to the restaurant, probably by the Marshalls, a militant anti-busing group.

Several months went by without any major incident. The Marshalls organized a motor-car procession which drove by the apartment and beeped their horns. One night several of the Marshalls approached the private security guard and questioned why he was there. When the C.D.U. interviewed the guard, he was unable to provide them with a good description of the men, other than the fact that they wore green jackets with the Marshalls emblem on the outside. The C.D.U. felt that the private security guard was reluctant to provide information about the Marshalls, as he was fearful of reprisal. The quality of the private security guards left much to be desired as the following humorous story indicates.

On Friday, November 24, 1978, Green received a call from the director of security at the B.H.A., Bill Jones. Jones asked Green where the private security guard, who was stationed in the hall of the small apartment building, could go to the bathroom. Green did not know but said he would think about it. An hour later Jones called back Green and told him he had arranged for the guard to use a bathroom in the apartment building next door. Later that night, at about 2:30 a.m. Green received a call from a senior staff member of the B.H.A. who stated he had just received a call from Carol Smith who stated that "Someone is trying to get into my apartment." Green hung up and called Boston Police who informed him that they had received a number of calls from that address about a "proowler" who was trying doors to the apartment; however, when

the police had investigated the incident, they found no prowler. Green then called Smith and told her to call the police if it should happen again. Green asked N.P.U. to pay particular attention to this location. The next morning Green spoke to a Sergeant from the N.P.U. who informed him that the "prowler" was the B.H.A. guard who was inadvertently trying all the doors in Smith's building believing that one was the bathroom.

The N.P.U. maintained a visible police presence across from the apartment on a twenty-four hour basis. There were several telephone threats but no major incidents until May, 1979, when a car belonging to a friend of Smith's was set on fire on the same night that the local B.H.A. office was also damaged by fire. In spite of an intensive investigation by the C.D.U., no arrests were ever made for either crime. After Smith's family expressed concern over her safety and their reluctance to visit her in South Boston, she moved out in the summer of 1979, a little less than a year from when she had arrived. The N.P.U. was disbanded shortly thereafter.

Although it is regrettable that Smith moved out and this was a setback for the process of integrating the developments, the police department and the B.H.A. had learned a great deal from the process. In particular, the B.H.A. learned that, even with an unparalleled commitment of resources from the police department, more needed to be done to generate broad community support if the tenant was to stand a chance of being accepted. In addition, while the police department had initially planned the security plan to be low-key, the outrage in the community necessitated a higher police profile to prevent any incident. This higher police profile (which amounted to twenty-four hour protection) may have deterred some incidents, but it created an environment in which

Smith felt she was living in an armed camp. Yet even knowing this, it is doubtful that the police department would have done anything different in view of the then recent record of racial violence in South Boston.

#### Lobbying Efforts

One Sunday afternoon in November, 1979, Sam Green received a call from Robert Benson, head of the Civil Rights Division of the state Attorney General's Office. Benson and Green had worked closely on a variety of issues including the Carol Smith case. Benson told Green that the Attorney General had filed a state civil rights bill, and the legislature was in prorogation. The bill had been submitted for the past three years and had died in committee and failed to reach the floor of the legislature. Benson asked Green if he would be willing to talk with legislators about the bill. Green agreed and called Sergeant Richards and asked him if he was also willing to lobby for passage of the bill. Richards met Green at police headquarters and then proceeded to the State House in Boston.

At the State House, Benson introduced them to the Attorney General's legislative aide who was a former state representative and knew many of the "reps" by name. Also present was a lobbyist for the Civil Liberties Union of Massachusetts who was familiar with how each of the legislators stood on the bill. The floor leader for the bill was Barry Francis, a liberal representative from the Back Bay. He met with the group and informed them that the chances of the bill's passage were very slim.

This unusual coalition of law enforcement officials and civil rights advocates joined forces in support of a bill that would allow the Attorney General "standing" to enter civil rights cases. In particular,

it would allow the Attorney General to seek injunctive relief to enjoin citizens from engaging in certain criminal acts (e.g. Day Field) and would provide substantial additional criminal penalties for violation of one's civil rights. The law would allow private citizens the right to sue for damages in a civil action. And perhaps the most controversial aspect of the act for the police was that it would allow the state to bring a civil rights action against officials acting under the color of law.<sup>4</sup>

What many believed to be the significant turning point in the lobbying effort was the involvement of the police in advocating a civil rights bill. Many of the legislators who had expressed an initial knee-jerk reaction against the bill were introduced by the Attorney General's lobbyist to the two law enforcement officials. There, in front of the entrance to the house chamber, the law enforcement officials discussed how they thought the law would be of benefit to them in dealing with racial violence. A typical reaction of a state rep would be, "I really think there's been too many laws about civil rights, but if you guys (the police) think it will help you than I'll vote for it."

The small coalition spoke with over thirty representatives and by 2:30 in the morning Representative Francis informed the group that the bill had reached the floor of the house and that it could be voted on at anytime. An hour later he informed them that the bill had passed and would be brought over to the Senate where it was assured passage by a more liberal group of legislators. The bill passed the Senate and was sent on to the Governor for his signature. The Police Commissioner of Boston called the Governor to encourage him to sign the bill into law. The Boston Globe noted in an editorial on November 7, 1979:

...As late as last Friday, the (civil rights) bill was given little chance of success in the Legislature but largely due to efforts of the Boston Police Commissioner and his Community Disorders Unit the measure carried.

...The Commissioner's support was based on his desire for more direct methods of squelching such racial harassment as the stonings of cars and buses, the attacks on homes and assaults in public places.<sup>5</sup>

The Governor signed the bill into law on November 16, 1979, and the Act took effect in February, 1980.

The C.D.U. has been involved in other lobbying efforts such as the establishment of a Fair Housing Commission in Boston and an ordinance to prohibit discrimination based on race, sex, or sexual preference. C.D.U. officials testified before the Boston City Council and a Joint Legislature Committee on Housing as to the pattern of violence that many new families encounter when they move into certain neighborhoods of Boston. Once again, politicians who tended to be conservative on law enforcement issues were surprised to learn that the police were supportive of what many would characterize as liberal legislation. And for this reason there was a strong tendency on the part of politicians to be more supportive of the legislation.

#### Community Involvement

The C.D.U. had come to recognize that, even with the unit's best efforts and accomplishments, the issue of racial violence would continue in those communities in which neighbors were reluctant to organize and come together against these problems. On the other hand communities which had taken a stand against the violence and had become organized around a set of common concerns provided a supportive and essential framework within which the work of the police was made substantially

easier. For example, in Middletown it was not surprising for the police to learn that many of the perpetrators of violence against the new black families in the neighborhood were the same youths who had been harassing Jewish residents and breaking into the homes of many other families of the community for years. When these divergent groups came to recognize the commonality of their problems, they formed the Middletown Civic Association. The Association worked closely with the C.D.U. and became the natural conduit for proactive strategies such as Operation Halloween.

A similar group developed in the Hyde Park section of Boston in the aftermath of the problems of the Bush family in Day Field. The Day Field Betterment Association was made up of not only local citizens but of clergy and business leaders. When the C.D.U. made arrests and victims or witnesses were reluctant to testify against a well-known troublemaker, the Association provided support for them by accompanying them to court. Most important of all, members of this group with the help of the Boston Committee, were instrumental in meeting with the local district judge to sensitize him to the fact that the crimes that were occurring in their neighborhood represented more than simply vandalism and name calling. Further, the leniency and unevenness with which his court was treating these offenders contributed to a perception on the part of the youths that they were above the law.

Yet in other parts of the city, where a pattern of racial incidents continued, the residents remained isolated and the community disorganized. In several cases the C.D.U. attempted to organize the neighbors. For example, after fourteen (14) cars of black residents in an area were vandalized (and no white cars were damaged), the C.D.U. asked each of the victims to attend a meeting. At this meeting the

C.D.U. outlined an operation which would entail C.D.U. officers in surveillance vehicles that would respond to any suspicious behavior that the residents observed. Not only were the residents appreciative of the commitment of police resources, but the meeting also provided an opportunity for families to meet one another and begin to develop a community network.

There were, however, other communities which had experienced similar racially motivated violence but remained reluctant to get involved with the police. In the case that follows the C.D.U. played a unique role in attempting to organize a community.

#### The Southeast Asians

The C.D.U. had been investigating a firebombing to a black family's home in the volatile Elm Park section of Dorchester. In the process of door to door canvassing of residents, they met a young Vietnamese family. This family, while it knew very little about the firebombing, expressed to the officers the sense of fear that they had been living under since they had moved into the neighborhood. Whenever members of the family came in contact with a certain group of neighborhood youths, they were called names, such as "gook," spit at, sometimes robbed or assaulted, and usually threatened. One member of the family was told, "You better get out of the neighborhood or you'll get what the blacks got." When C.D.U. officers asked if they had reported these incidents to the police, they replied that they had not. They acknowledged that most of the refugees that they knew had experienced similar problems and also failed to report these incidents to the police.

It was not immediately clear how widespread the problem was, but

initial research indicated that a large influx of Southeast Asian refugees had recently immigrated to the greater Boston area. According to various government agencies, since 1975, approximately 652,000 Indochinese refugees have settled in the United States. Approximately 12,000 to 14,000 live in and around Boston. In Boston they are concentrated primarily in two sections of the city; Allston/Brighton and Dorchester. The community is a diverse one made up of Vietnamese, Cambodian and Laotian refugees.<sup>6</sup> Green assigned two C.D.U. officers to become the unit's "experts" in this area.

An initial review of incident reports in the two sections of the city where most Asians were living indicated a relatively small number of reported incidents; however, those that were reported tended to be serious in nature. A murder of a young Vietnamese had occurred in Brighton, and a number of serious assaults resulted in Dorchester. Yet the C.D.U. knew all too well the tendency of victims to underreport racial crime. The officers therefore began to look beyond the official reports to seek additional sources of information.

The officers learned that all of the refugees were initially placed by an assortment of social service agencies such as the Catholic Charities Association, the International Rescue Committee, the International Institute, the American Fund for Czechoslovak Association and the World Relief Agency. When a refugee arrives in the United States they are assisted by one of these agencies in finding a home, food and a job. For the next ninety days the resettlement agency assumes responsibility for helping these families adjust to American life. After this time period the families are on their own, although some agencies make an effort to check up on the refugees.<sup>7</sup>



Discussion with representatives of these agencies revealed that, indeed, the problem was dramatically worse than the official statistics revealed. All of the agencies learned from their Asian workers that the new refugees were quickly becoming Boston's newest racial victims. However, the problem had remained almost invisible for several reasons. The refugees had come from a political environment in which the police were feared by all citizens, and one rarely went to see them voluntarily, even if one had been the victim of a crime. There was a great deal of mistrust generated by considerable reports of corruption and brutality among the Southeast Asian police forces. The refugees had little reason to believe that American police were any different, and this, coupled with a language barrier, made them reluctant to report any crime but the most serious (murder, aggravated assault, etc.). In addition, some refugees felt that reporting incidents might in some way jeopardize their right to stay in the country and make their long term goal of citizenship more difficult.

The consequence of these fears and the concomitant underreporting of crimes against them made them easy targets for criminals who had little fear of apprehension from the police. The refugees were the proverbial sitting ducks. And since most police work is basically reactive in nature, the violence to the Asians remained hidden. A New York police officer remarked on the violence to them:

The problem is the language barrier. The Orientals don't come to us. and if we don't have the statistics, we think nothing is going on.<sup>8</sup>

The two C.D.U. officers expressed their fear that the problem was much larger than any official reports indicated and there was little the department was doing to prevent it from occurring. What was really

needed, they suggested, was to begin to select certain areas in which it was felt the violence was greatest and interview as many families as possible. And secondly, educate the Asians about the American criminal justice system and the need to report crime to the police.

In the first instance officers were assigned to begin interviewing families in areas in which sources indicated a pattern of violence was occurring. Although some information was obtained, it soon became clear that many of the refugees continued to be fearful of the police or did not understand English. Something more had to be done to break the barrier.

Green and Richards met with the representatives of several placement agencies and asked for their help in providing a full-time translator to work with the unit. While the agencies were supportive of the C.D.U.'s efforts, they were unable to provide what the unit really needed. Green then went to the Police Commissioner and told him he would like to recruit and hire a Vietnamese interpreter to work with the unit. The Commissioner understood the sensitivity of the problem and approved of Green's request.

Green and Richards again went to these agencies to obtain referrals of Asians that could translate well and were trusted by the Asian community. After several weeks of interviews they selected a local university student who, as it turned out, was himself a victim of a racially motivated attack. (C.D.U. officers later drove him around the area of the attack, and he identified one of the individuals responsible, and he was subsequently arrested and convicted of the crime.)

Working with this interpreter, the C.D.U. canvassed entire neighborhoods to speak with Asian refugees and both to find out if they had been

attacked as well as to educate them about the role of the American police. While some still appeared reticent in talking with the police, the interpreter proved instrumental in breaking what amounted to a cultural barrier. Many local youths, who were responsible for much of the violence against the blacks in the neighborhoods, observed the police going door to door with the interpreter to the homes of the Asians. It was clear that these youths had become, for the first time, concerned that their actions were no longer going unnoticed. In this way the C.D.U. had hoped to increase the cost of attacking a refugee in the eyes of the local youths.

This process was extremely useful in gathering information about scores of incidents to the refugees but, unfortunately, did not result in as many identifications of suspects as the C.D.U. had hoped for -- owing primarily to the victims' inability to identify those responsible, or simply their fear of retaliation in some form. Yet, these groups felt that, if they experienced a more serious incident in the future, they could feel more confident in going to the police.

At the same time the C.D.U. learned that they could reach far more Asians by attending English as a Second Language (ESL) classes and speaking to many of the students who were predominantly Asian. Here, together with the C.D.U. translator, the officers spoke on the American system of justice, crime prevention, different cultural issues, and on the necessity to report any criminal incidents. Many of the classes were made up of not only Vietnamese but Cambodian and Laotian citizens, and several translators were needed to make certain that everyone understood the message.

When it became clear that a group of Vietnamese were encountering

continued violence in their neighborhood, the C.D.U. utilized its "rapid-response" strategy. In this case, however, Richards had the unit translator write instructions in Vietnamese, so that citizens would understand the strategy and know when to call the police. C.D.U. officers then distributed these flyers to all Vietnamese living on the street. If they were concerned about a problem on the night of the operation, they were to call the C.D.U. office where the translator would answer the telephone and then dispatch officers to the scene. The operation was conducted over several nights without incident.

Finally, the C.D.U. has, with district officers, developed a close working relationship with settlement agencies to alert the unit to any problems which they may be aware of, as well as to advise these agencies on areas where refugees may experience problems. Many of these efforts are still in the initial stages, and while they appear to have had some impact on the overall problem, it is probably too early to evaluate how effective they have been.

CHAPTER VIII: EXTENT AND NATURE OF RACIAL VIOLENCE AND DISCUSSION OF  
THE PROGRAM IMPACT

The redefining of traditional criminal acts into a new definition called "community disorders" and a recording of these incidents as such allows for some extrapolation concerning the extent and nature of racial violence in Boston. This chapter will look at the available data collected by the Community Disorders Unit, as well as analyze the criminal justice process. The chapter is divided into three parts. The first section deals with an analysis of the recorded incidents that are contained in the C.D.U.'s records. An examination is made of the type of incidents that occur, where and when they occur, categories of victims, and the typical "perpetrator." In the second section the process of determining which incidents are to be investigated and the key elements in the criminal justice system are briefly examined. In the final section we will critically analyze this information and offer some general propositions concerning the impact that the C.D.U. may have had on racial violence in Boston.

A. Extent and Nature of Racial Violence

Beginning in late 1978 the C.D.U. started to keep, for management purposes, and not for official dissemination, a record of incidents which the unit had reason to believe were racially motivated. A "log" was started which carefully recorded the incident number, the date of the incident, the victim's name, where the incident occurred, the police district within which the incident happened, the type of crime, the race of both the victim and, if known, the perpetrator.

It cannot be emphasized too strongly that the information contained

in these records is highly problematic for a number of reasons. Most significant of all is the process by which the unit learned of an incident, which tended to fluctuate between poor reporting and deliberate overreporting of nonracial incidents. As we have stated, while department policy required police supervisors to notify the C.D.U. of incidents which might be racially motivated, this process was initially both unintentionally and intentionally violated. It was unintentionally violated by supervisors simply forgetting to follow department policy in a system that has a myriad of rules and regulations. It was intentionally violated by those whose personal bias simply interfered with doing what they knew was proper. This, added to the already poor record of reporting incidents by the victims themselves, made the record-keeping process highly suspect.

Yet, at the same time, the informal network made up of various actors in the system (usually moral entrepreneurs) helped to counterbalance the problematic nature of the reporting system. Groups such as the Lawyers' Committee, N.A.A.C.P., Anti-Defamation League, as well as other law enforcement agencies, such as the Attorney General's Office and the F.B.I., began to call the C.D.U. with cases that they had heard of which they felt were racially motivated. In addition to these groups, the media served a valuable purpose in also acting as a barometer of incidents in the city. These groups provided a vital back-up to the imperfect reporting system within the department. As time went on and the imperfections were spotted and corrected (single loop learning), (Schon, 1978) it can generally be assumed the collection of reported data improved considerably.

Better reporting of incidents and increased law enforcement resources

allocated to these incidents, combined with successful prosecution and conviction of those offenders, undoubtedly had the effect of encouraging previously reluctant victims to report new incidents. The fit between the actual number of incidents and the number of officially reported incidents could be assumed to get progressively better as years went on. In comparing these figures from year to year, one must be very careful in drawing inferences from statistical differences which may have more to do with reporting systems than the actual policy itself. With these strong caveats in mind let us look at the data and see if some general observations can be made over an extended period - specifically from 1979 to 1983.

#### WHERE

In Table I we see a breakdown of the total number of incidents for each year from 1979 to 1983 by the police district where each incident occurred. In 1979 there were a total of 533 reported incidents (which the C.D.U. was made aware of and classified as community disorders) compared to 178 such incidents in 1983, a decrease of 355 incidents or 67%. The largest decrease is between 1979 to 1981, and thereafter the number of incidents seems to have remained relatively constant. The two police districts which consistently experienced the most incidents were Hyde Park\* and Dorchester, which amounted to 28% and 25% of the total incidents respectively. According to 1980 census figures these areas made up only 16% and 18% of the Boston population.<sup>1</sup> Between 1970 and 1980 both of these communities experienced a decrease in the white

\*This community also includes Roslindale and West Roxbury.

population and an increase in the number of black residents, except for North Dorchester, which witnessed a drop in the number of both black and white residents.

Charlestown and South Boston, which make up only 2% and 5% of the city population, have frequently been singled out in the media as being among the most racially polarized communities in the city. According to Table I these neighborhoods accounted for 3% and 6% of all incidents during this five year period. At the same time both of these communities have minority populations which together comprise less than one percent of the total minority population in Boston. And finally, Roxbury and Mattapan, which since the mid 70's have become predominantly black communities and amount to 7% and 3% of the total Boston population respectively, accounted for 8% and 10% of the total incidents reported to the C.D.U. during this five-year period.

The number of incidents within each community has systematically decreased, with the largest decreases being in Mattapan (from 74 incidents in 1979 to 5 in 1983, or a decrease of 93%); Hyde Park (from 167 in 1979 to 60 in 1983, or a decrease of 64%); South Boston (from 36 in 1979 to 7 in 1983, or a decrease of 80%); East Boston (from 24 in 1979 to 4 in 1983, or a decrease of 83%); Jamaica Plain (from 30 in 1979 to 7 in 1983 or a decrease of 77%); Brighton (from 31 in 1979 to 6 in 1983 or a decrease of 81%); and finally Charlestown (from 19 in 1979 to 6 in 1983 or a decrease of 68%). While this decrease is worth noting, it is also important to note that in two communities, Hyde Park and Dorchester, after an initial peak number of incidents in 1979 and a significant decrease in 1980, the number of incidents during the next four years seems to have plateaued and remained constant.



## WHO

In Table II we are presented with the race of the victims of racial violence from 1979 to 1983. In 1979, 55% of the incidents involved black victims, and 33% involved white victims. However, in 1980, 40% of the victims were black compared to 45% who were white. This trend continued for the next two years, with white victims exceeding the number of black victims by 9% for 1981 and 11% for 1982. This trend was reversed in 1983 when blacks comprised 44% of all victims compared to 30% for white victims. For the five-year period blacks were 44% of the victims compared to whites who were 30% of the total. This is particularly significant when one considers that the black population of Boston in 1980 was 21% compared to the number of whites which was 69% of the total population.<sup>2</sup> The percentage of Hispanic victims remained fairly constant through the five years ranging from approximately 4% to 7% (Hispanics comprise 6% of the city population) while the number of Asian victims began to rise considerably beginning in 1982, and in 1983 there was a significant increase (16%) in the number of Asians as victims of racial violence.

## WHAT

In Table III we see the type of crimes that have occurred from 1979-1983 which could be categorized as community disorders. While virtually every type of crime imaginable could have racial motivation behind it, including homicide and robbery, we have chosen to select those crimes which have emerged as being reflective of patterns of racial violence. These crimes are: Arson and Attempted Arson, Assault and Battery, Assault and Battery with a Dangerous Weapon, Vandalism, Stoning

of a Home, Stoning of a Motor Vehicle, and Threats or Harassment. We have included a final category of "other crimes" which, aside from 1979, involved a small number of all incidents. The large number of "other crimes" in 1979 included an inordinate number of robberies and larcenies which were referred to the C.D.U. but upon further analysis indicated that the primary motivation for the incident was financial rather than racial (i.e. a white victim has her handbag stolen by a black person).

It is clear from this table that "assaults with dangerous weapons" was the aggregate leader for the five years studied comprising approximately 26 percent of all incidents. This crime was followed by vandalism (17%), stoning of a motor vehicle (15%), simple assaults and batteries (12%), stoning of a home (12%), other crimes (10%), threats/harassment (6%), and arson (2%). The most significant consistent reductions in number of incidents were noted in assaults, stonings of homes, stonings of motor vehicles and threats. There was a steady and incremental decrease in these categories. On the other hand the number of arsons and attempted arsons remained constant over the years, as did the number of acts of vandalism.

When these crimes are broken down by race of the victims (Tables IV-VIII) per year, some interesting trends can be observed. In terms of the crime of arson, blacks tend to be the principal victim. However, by 1982 Hispanics and Asians were equally represented. Blacks tend to be disproportionately represented in the number of assaults, both simple and with dangerous weapons, through the years, except in 1982 when the number of assaults with weapons on whites vastly exceeded the number on blacks. There is, however, no definite pattern to the crime of assault (with or without weapons), as the number of incidents between blacks and whites

varied considerably over the years. However the crimes of vandalism, stoning of a home, and threats tended to involve blacks as victims, while the crime of stoning of a motor vehicle involved principally whites as victims.

#### WHEN

There are some slight but far from conclusive patterns that emerge when one observes the time of the year that most incidents occur (Tables IX-XIII). The one not surprising finding is that there are, by far, fewer incidents that occur during the winter than any other time of the year, although more homes were stoned in the winter of 1980 than any other season of that year. By and large, though, most incidents tend to occur in the warmer months, with arson, vandalism, and the stoning of motor vehicles more likely to occur principally in the spring or summer months. However one should be careful of drawing any conclusions from these figures, which do not take into account changes within seasons.

#### PERPETRATORS

While the C.D.U. kept careful records on the types of incidents and victims involved in racial conflict, it was far more difficult to keep records on the "perpetrators" (the police jargon for the person that commits the criminal act - or offender), since, in the majority of cases (such as vandalism, stonings, arson and threats), the offender was unknown. In crimes such as assaults more was known about offenders. Therefore, since, like most crimes, the majority of racial incidents go unsolved, our sample of the offenders is based on those who were identified a considerably smaller subsection of the entire pool of offenders. What we are left

with are some basic propositions and theories as to who might be responsible based upon cases in which perpetrators have been identified and prosecuted. Extrapolating from this data, we can make several assumptions which may seem obvious but should be stated.

Incidents involving black or hispanic victims generally involve white offenders. Incidents involving white victims usually involve either black or hispanic offenders. While the majority group (whites) in conflict with the minority group (blacks and hispanics), is a prevailing theme in racial violence it is occasionally violated by incidents between various minority groups such as blacks and hispanics, or blacks and Asians. In addition, groups which are racially mixed tend to be attacked by white offenders, and whites who may be sympathetic with blacks (e.g. supporting black political candidates, speaking out against racial violence, supporting busing, etc.) are frequently attacked by whites. The converse is true but to a lesser degree.

Some general observations can be made about the typical offender. The person is almost always a male who usually acts in a group. He usually lives in close proximity to the victim or is in the company of someone who lives near the victim. This would primarily be the case in incidents involving the stoning of homes, vandalism, and arson but would not necessarily be the case in incidents involving the stoning of motor vehicles, where the victim tends to be passing through the neighborhood.

In the immediate aftermath of busing adults were involved in many racially motivated crimes. Since 1978, racial violence has been committed primarily by youths between the ages of 9 and 20, with the mean age being around 16. Individuals who are involved in repeated acts of racial violence tend also to have criminal records for other crimes.

B. Decision to Investigate and Adjudication Process

The resources of the unit changed considerably from 1979 to 1983 as did the number of reported incidents.<sup>3</sup> With limited resources and a heavy caseload, there was a necessity to prioritize which cases received investigative attention. These decisions became less difficult by 1982 as the number of officers in the unit increased and the number of incidents decreased, which allowed the unit to give a higher degree of attention to cases which traditionally indicated less likelihood of being solved. Looking back over this initial period between 1979 to 1981, some general conclusions can be made concerning the decision on how limited investigative resources were allocated. There were two principal factors which determined whether a case received extensive or limited investigative follow-up. Extensive investigative follow-up is defined as commitment of the entire unit to solving a particular crime. Limited investigative follow-up is defined as one officer taking a report of the incident by talking with the victim and gathering statements from any other witnesses. Beyond this initial fact-finding, no further investigation is conducted. The two factors which determined the extent of the investigation were: (a) the nature of the incident and (b) the probability of identifying the offender.

The Nature of the Incident - Incidents which were reflective of a pattern received the highest investigative attention. Independent acts of violence, while serious, were given a lower priority than acts of violence which occurred to the same victim at the same address. Factored into this decision was the extent of either injury to the person or damage to the property. Crimes such as arson and serious assaults also received the highest investigative response. Incidents which, although minor in

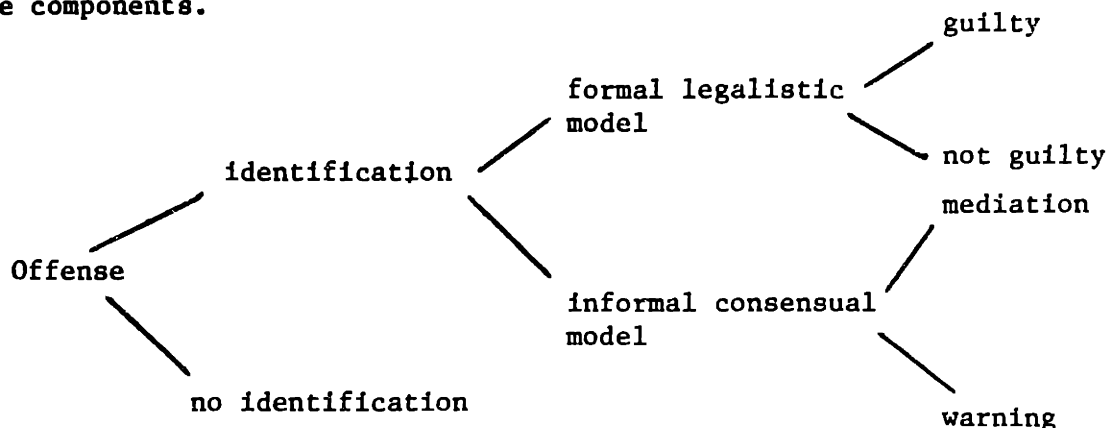
comparison to other crimes the unit was investigating, could receive more investigative attention if the media focused on the crime. And while some incidents that the media focused on turned out not be racially motivated in fact, the perception of the incident as portrayed by the media forced the C.D.U. to investigate the incident in order to "put it to rest" by placing the incident in perspective.

Probability of Identifying Offenders - Certain types of crimes which, while they were frequent in occurrence, tended to be independent of one another and a visible pattern more difficult to observe. In addition, many of these same crimes involved situations in which the victim was unable to identify his or her assailant. For example, the stoning of motor vehicles which accounted for a large percentage of all incidents often received limited investigative follow-up, because the victim never saw the offender, and there were rarely any witnesses to the crime. Throwing rocks from behind a building at motor vehicles at night was the type of crime in which the most comprehensive investigation envisioned would, in all likelihood, not result in the identification of those responsible.

On the other hand crimes between individuals such as assaults, verbal threats, and intimidation received a higher investigative priority, because the victim was more likely to be able to identify his/her attacker. Some general trends could be observed. Blacks were more likely to be able to identify their white attackers than whites were able to identify their black attackers. Asians in many cases were frequently reluctant to identify those responsible for criminal acts due primarily to their fear of retaliation at the hands of the offenders.

Adjudication Process

As the following chart indicates, there are a number of possible outcomes after an incident has been investigated. We will discuss each of these components.



Once an incident is investigated, it can result in either the identification of the offender or an inability to determine who is responsible. In the latter case, the incident will be considered inactive if the investigation fails to uncover any significant leads. If a suspect is identified, then a decision is made as to whether the offender is to be treated in a formal legalistic model or whether an informal consensual model is more appropriate.

Formal Legalistic Model - This model is the well known due process model which puts the offender through what Herb Packer has called an assembly line form of justice in which procedural safeguards are insured at every point in the system.<sup>4</sup> It was the policy of the C.D.U. to use this formal mechanism in most cases to prosecute offenders to "the fullest extent of the law." Less formal models were only used in exceptional cases which we shall discuss later. The formal model, like the

rule enforcers, was subject to considerable discretion from arraignment to sentencing. In the case of the prosecution of racially motivated crime, this discretion became vividly apparent at various stages in the process. For example, let us look at the role of one actor, the clerk/magistrate, to understand this process more accurately.

When offenders were brought before district courts, C.D.U. officers observed what they viewed as differential treatment of racially motivated crimes. This treatment was most noticeably apparent at the initial stage of seeking complaints against rule violators. The primary actor in this scene was the district clerk/magistrate who exercised enormous discretion in the granting of criminal complaints. The clerk determines whether there is sufficient evidence to grant these complaints immediately, on the testimony of police officers, or whether a hearing should be held at a later date to determine if complaints should be granted. The immediate granting of complaints to the police when sufficient evidence exists accelerates the adjudication process and does not usually require the involvement of the victim. Hearings on the other hand often take at least a week to be scheduled and require the victim to be present, which in some cases may be problematic.

In the early years of the C.D.U., it was the experience of its officers, who were seasoned in the mores of the criminal justice system, that certain district court clerks had a tendency to set up hearings in the future rather than grant criminal complaints immediately when the facts so warranted it. Generally speaking, this was primarily the case when the defendants were white and the victims black, and conversely the same clerks were more willing to grant immediate complaints when the defendants were black and the victims were white. While this may, to some extent,



have been explained by the seriousness of the crime and the past record of the defendant, when these factors were held constant, it was the observation of C.D.U. officers (who were use to seeking criminal complaints in "normal" crimes), that there generally was a higher evidentiary standard required to charge whites as compared to blacks in racially motivated crimes.

What also became clear was that the "setting up of a hearing" in many cases was used by clerks as a way of "cooling off" both victims and police. While both groups would be less than satisfied with a hearing being set up, it was a less drastic action than denial of the complaints outright. When the hearing was held several weeks later, and the sense of urgency about the incident now somewhat diminished, it was far easier for the clerk to then simply deny the complaints at this time. In this way it appeared that the clerk was initially being responsive when, in fact, he was only temporarily placating both the police and the victim. One C.D.U. officer likened the process to a magic act where "Now you see the complaints, now you don't."

This process began to change around 1980 when the C.D.U. with other groups began to contest this informal "cooling off" process by involving other moral entrepreneurs both within and outside the system. For example, the C.D.U. often asked a prosecutor from the Attorney General's Office to accompany them to the district court to simply be present when evidence was presented before the clerk. The presence of the "new actor" in the system was usually sufficient to make a clerk think twice before acting in an arbitrary manner, and he was consequently less likely to deny the complaints or use the cooling off method in the face of sufficient evidence to warrant granting of the complaints. This method was

particularly effective in seeking civil rights complaints, for these were offenses for which clerks demonstrated considerable recalcitrance. Other actors, such as the district attorney, could be helpful in exerting pressure on the clerk by sending in a "special" prosecutor, such as the head of the Organized Crime Unit, as it once did, to again elevate this process. As Louis Brandeis once observed, sunshine is the best disinfectant. Other entrepreneurs such as community groups, the Lawyers' Committee, and the Boston Committee all were instrumental in making certain that this process was more visible.

Prosecutors can also be expected to exercise wide discretion in these matters. While no pattern as blatant as the one that emerged for clerks appeared, it is worth noting that, for example, a district attorney can decide whether to directly indict (thereby avoiding district court bias), but rarely does out of respect for the lower court process. The Attorney General and U.S. Attorney can also take over the prosecution of a case, but also rarely does out of a courtesy for the district attorney. The leverage that these agencies have is often exercised informally rather than formally in a system that places a premium on not embarrassing another component of the system.

Determination of Responsibility and Guilt - Once an offender has been identified by the unit and complaints granted, he begins the long criminal court process from arraignment to probable cause hearing to trial, appeal and finally a legal decision on the offender's culpability. Some general observations can be made concerning this process.

In approximately half of the cases in which the C.D.U. identified an individual suspected of committing a crime and complaints were granted, there was an overwhelming likelihood that the individual would be found

"responsible for the crime." This should not be confused with the legal determination of a finding of guilt. Responsibility for the crime is a far less severe penalty and was primarily used in the case of first-time offenders or juveniles. This category included a finding of having complaints "placed on file," "kept in abeyance" or simply "continuing the case without a finding." Usually this finding was accompanied by an arrangement that, if the offender "stayed out of trouble" for a year or so, the complaints would be dismissed. There was little question that the offender was guilty of the act, but this was a far less severe sanction than the formal adjudication of guilt.

In the cases of older defendants and repeat offenders in which either injury resulted or the potential for injury resulted (e.g. arson), judges were more likely to find the defendant legally guilty. However, there was a prevailing tendency not to send offenders to prison in the majority of cases. A review of the sentences given to those found legally guilty of racially motivated crimes indicates that the majority received either probation, suspended sentences, were ordered to pay restitution and court costs, or were committed to the Division of Youth Services. Between 1978 and 1981 only a fraction of the total number of individuals found guilty of crimes with racial animus served any time in prison. And those who did tended to already have records and usually were convicted of violent crimes which often received considerable media attention. After 1981 there was some increase in the number of individuals who were sentenced to prison for crimes that traditionally had not been viewed as serious (e.g. Day Field cases). However, the majority of offenders continued to receive nonconfinement types of sentences.

Findings of Guilt - It is significant to note that, in the vast

majority of cases in which an offender has been formally charged and complaints granted against him, there was an overwhelming likelihood that the individual would either be found responsible for the crime or found guilty. The initial stage of the granting or not granting of complaints was a more likely stage for an offender to be not charged (and therefore found innocent) than if the case went to trial. Once an individual was charged, there was an overwhelming tendency toward convictions. When a case was dismissed, as occasionally happened, it was usually due to a victim or witness's failure to continue in the process, and consequently, the offender was found innocent for "lack of prosecution."

Informal Consensual Model - There were a number of cases in which the offender was identified by the C.D.U.; however, the individual was not formally charged with an offense. There were basically two strategies that were used when offenders fell into this category.

Mediation - Occasionally it became clear that, while a particular incident was serious in nature, the circumstances of the case might be better handled outside of the formal legal process, if this was agreed to by the victim. This was primarily the case in incidents that involved very young children or between neighborhood families. For example, several young children were discovered to have painted racial epithets on the side of a new neighbor's home. When the C.D.U. investigated the incident and identified the young offenders, it was Sergeant Williams who was able to speak with the adults in both groups and worked out an arrangement in which the damage would be paid for by the parents of the children. While this action was less severe than formally charging the juveniles in court (as was the usual C.D.U. policy), in this case, and similar others, it appeared to be a more appropriate strategy, given the

young ages of the offenders and the fact that the homes were in close proximity to one another. It was the judgment of the C.D.U. and the victims that prosecution of the youths might make the situation worse in the long run.

Warnings - There were cases in which the C.D.U. knew who was responsible for a particular crime but was unable to formally prosecute the offender. For example, there were many victims (particularly in housing projects) and witnesses to a crime who told the police who had caused the damage but were terrified to go to court. Reliable informants or community leaders quickly picked up the local "scuttlebutt" about who was responsible for a crime. This information, while valuable, was obviously of no use in formally charging a person. Without additional information these individuals remained free of any official culpability for the crime.

Yet it was felt by the C.D.U. that, although no formal charges were brought against those individuals, some beneficial value could be obtained by confronting these youths and making them aware that the C.D.U. knew who they were and that they were responsible for the crimes. In effect, it was a poker game in which the C.D.U. tried to bluff the youths by telling them they knew what they had done, while all the time not letting the youths know how they knew or the fact that they had insufficient evidence with which to prosecute them. In some cases attempts were made to trade off this loss by convincing the youths that the police were "giving them a break" by not prosecuting them in exchange for their agreeing to refrain from future acts of violence. While the poker game often worked with juveniles and first-time offenders, this was less successful with "street smart" youths who had had numerous prior encounters with the "system," and knew when the police were bluffing.

No Identification - The final category of incidents was unfortunately, the vast majority of cases in which the C.D.U. was unable to make any determination of those involved in the incident. Lack of identification by the victim, no witnesses to the crime, no information from either informants or other citizens, and the isolated nature of the crime all contributed to these crimes remaining unsolved.

### C. DISCUSSION

Did the Community Disorders Unit and the department policy make a difference? That is really the significant question worth asking, and if it did make a difference, what can we say about its impact on the nature of racial violence in Boston? In examining this question we need to first look at the concept of deterrence as a central theme in the control of behavior.

Andenaes notes that there is a distinction between the effects of punishment on the individual being punished and the effects of punishment on society in general. The former is referred to as individual prevention or special prevention, while the latter is often called general prevention.<sup>5</sup> When we punish an individual offender, we are not only hoping that this action will deter him from future acts, but that it will serve as a vivid reminder to the general population that these are not simply abstract laws which contain empty threats but rather there exist realistic consequences to violation of these laws.

Andenaes goes on to say that general prevention occurs as a result of the interplay between the provisions of the law and its enforcement in specific cases.<sup>6</sup> At one time individuals were hung in public as a way

of reminding the general public of the consequences of certain acts. Today this is no longer the case and most theories on deterrence emphasize the threat of punishment as a means of securing conformance to the laws.

General prevention or deterrence, as it has come to be called, therefore places inordinate attention on threats as the motivating factor in controlling behavior. Bentham defined deterrence as being prevention of crime by "intimidation or terror of the law."<sup>7</sup> Beccaria observed in 1764 that the "political intent of punishment is to instill fear in other men."<sup>8</sup> Zimring and Hawkins more recently define deterrence as "a function of the declaration of some harm, loss, deprivation, or pain that will follow noncompliance with commands. The central concept is that of threat, a transaction which involves two parties; a threatening agent and a threatened audience."<sup>9</sup>

How real the threat is may, to the individual, be a function of what Hal Williams has called "the risk of being caught and swiftly dealt with." The role of law enforcement in conveying what Andenaes has called the "messages" of society (laws and their application) is a central ingredient in the theory of deterrence. How law enforcement uncovers wrongdoing and thereby makes the threat real can have a consequence for both individual and general deterrence. And equally important is the promptness with which punishment is carried out. Singer has noted that, "Delay in punishment is of paramount importance and is probably largely responsible for the apparent ineffectiveness of our current punitive system."<sup>10</sup> Beccaria saw the significance of linking the crime and the punishment together as quickly as possible to achieve the maximum deterrent value. This Skinnerian view is elaborated on by C.R. Jeffrey who says "A consequence must be applied immediately if it is to be effective;

punishment decreases a response rate only if it is applied near the time of the occurrence of the forbidden act."<sup>11</sup>

The literature by criminologists has generally been skeptical of the deterrent effects of the law as a significant variable in controlling behavior. For example Barnes and Teeters state, "The claim for deterrence is belied by both history and logic. History shows that severe punishments have never reduced criminality to any marked degree."<sup>12</sup> This type of argument fails to take into account those situations and conditions under which deterrence may have an impact. For example, speeding regulations no doubt control possible violators, but laws against various drugs such as marijuana have almost no effect in controlling behavior. The question that should be asked is: under what conditions and circumstances is the threat of apprehension and punishment an effective way to control behavior? And conversely, what impact does no perceivable threat of apprehension and punishment have on behavior?

When we first began this study we examined the nature of racial violence in Boston in the mid to late seventies. We saw that the violence was not confined to one or two neighborhoods but was both widespread and compelling. It was not uncommon for a new family in a neighborhood to have their windows broken several times, their car vandalized and then their house firebombed. Incidents were occurring with such frequency and such intensity that it was necessary for the Lawyers' Committee to go into court to request twenty-four hour police protection for minority families. This court order was issued, and it was a significant barometer of the level of violence in the city and an indication of the inability and insensitivity with which the police handled such incidents.

It was a turning point, in that the police department began to take a



close look at itself. And when it examined itself it did not like what it found. And what it discovered could probably be found in most urban police departments in the country during the same period. Whether by indifference, intentional neglect, or quite possibly simply an insensitivity to differentiate one type of crime from another - the result was the same: a failure to see the connection between single acts of violence and the underlying conspiratorial nature of racial violence. And the consequences of this either intentional or unintentional neglect (it rarely does not matter, the result is the same) was for the offenders of racial violence to have virtually no fear of apprehension, and therefore, of punishment. There was simply little if any threat for anything but the most serious racial crimes. The commonplace but frequent types of racial violence in the form of vandalism, stonings, assaults, threats and harassment, received, like "normal" acts of the same variety, a very low priority in terms of investigation and prevention. There was simply no real threat involved for engaging in these acts.

In 1978 the Community Disorders Unit was established as a not uncommon institutional reaction to pressure from an outside group. The institution simply creates a "special unit" to look into a problem. There are numerous examples of this phenomenon, such as the Office of Inspector General, Affirmative Action Offices, Anti-Corruption Units, etc. The net effect is usually to placate the pressure group, and the centralized unit tends to be given little of the organizational strength necessary to pull off the change for which it was created. It simply serves as a way in which organization executives are able to co-opt pressure groups into believing something is being done about their problem.

However, what the Community Disorders Unit did was somewhat unique

for groups like these but not for traditional moral entrepreneurs. For whatever reasons (the Police Commissioner often remarked that the members of the unit were dedicated), the unit had initiative and enterprise in uncovering and then categorizing commonplace acts of violence into a new category called community disorders. And, with strong backing from the chief executive (the Police Commissioner), was able to slowly get an organization to integrate this new definition of the problem into daily practice. This did not happen over night, it did not happen in a year. But after several years of consistent enforcement, through what may be characterized as what Schon has called single loop learning in which errors were detected and then corrected, the activity of the rule enforcer in relation to this problem was significantly altered. The hidden nature of racial violence was uncovered by a group of moral entrepreneurs, who, through both consistency and internal political clout, were able to alter organizational policy.

In bringing this problem to the surface as well as committing police resources to the apprehension of offenders, the C.D.U. sought to increase the risk of engaging in such acts and thereby deter future offenders. Is it possible to evaluate the available data that exists to determine if the organizational elevation of the problem combined with the consistent commitment of police resources over five years had any discernible impact on increasing the "threat" of apprehension and thereby resulting in a deterrent effect?

In attempting to analyze the existing data in response to this question, we are faced with doing a retrospective analysis of information which, as we have already pointed out, is subject to some very serious reporting errors. In addition, since no data exists prior to 1979

concerning the extent and nature of "community disorders," we are unable to do any comparison before and after the policy was implemented. And since no other jurisdiction, with the possible exception of Maryland and only recently, collects information of this type, we are unable to do a comparative study. Our analysis must, therefore, be done with care, as we are unable to control for a number of variables, such as the fact that the passage of time itself may cause change. However, Zimring and Hawkins point out that "While the single application of any particular nonexperimental method in deterrence research may mean little, the cumulative import of many different imperfect approaches to the same question may be of critical significance."<sup>13</sup> With these strong caveats in mind, let us look at the data.

As we saw in Table I, the number of reported incidents peaked in 1979, the first year that statistics on community disorders were kept, and dropped considerably thereafter. While there is an inclination to infer that this decline may be due to the efforts of the C.D.U., this conclusion cannot be made without more data. To begin with, it is not uncommon for a crime rate to be at its highest level when a countermeasure is introduced. This is, of course, why the countermeasure is introduced. However as Zimring and Hawkins aptly observe, "A crime rate which has increased to a high and unnatural level just before a countermeasure is introduced, will of and by itself regress to a more normal level whether or not a change of punishment policy occurs. This process is analogous to the regression of abnormal figures toward the mean in a statistical sample of a true population."<sup>14</sup>

At the same time we cannot view the problem of racial violence outside of the context of the nature of "normal" crime that was occurring in the

entire city over the same five year period. If we look at Table XIV, we see a less conclusive picture of crime. There appears to be no overall pattern, except that crime rose from 1979 to 1981 and then fell sharply in 1983. Crimes such as vandalism, assault and arson remained fairly constant for this five-year period in the city. If we compare this to the statistics compiled by the C.D.U. for racially motivated incidents (Table III), we see a steady decline in all forms of assaults; however, vandalism remained fairly constant. The pattern of crime in the city was inconsistent over this five-year period.

The crime with which the C.D.U. spent most of its time in terms of investigation and prevention was the stoning of homes. According to Table III there was a consistent and dramatic decrease in this crime. However, in the crime of stoning of a motor vehicle, there was also a persistent decline over the five-year period, and this was a crime that the C.D.U. spent very little of its time in both investigating and/or preventing. We are, therefore, unable to make any inferences here.

The two districts in which the C.D.U. concentrated most of its energies were Hyde Park and Dorchester. Hyde Park showed considerable decline in all incidents from 1979 to 1980, but then the number of incidents remained high through 1980 and then dropped and remained fairly constant for the next three years. The number of incidents in Dorchester remained high through 1980 and then dropped and remained fairly constant for the next three years.

There is no data on the number of individuals arrested prior to the formation of the C.D.U. for crimes which were racially motivated, but according to the observations of many officers both within the unit and outside, it is generally agreed that the number of individuals identified,

prosecuted and convicted after the creation of the C.D.U. rose sharply. However, whether this had any impact on the notion of threat remains problematic, given the observation that most sentences given out for racially motivated crimes amounted to less serious sanctions, such as responsibility for the crime rather than adjudication of guilt. This may have had the unintended consequence of actually reducing the threat of punishment by devaluing the consequences of conviction. As David Matza points out, "The official system normally begins by responding to the delinquent with light sanctions and slowly and gradually proceeds to weightier punishments. The subcultural delinquent is inadvertently assisted in discounting the apprehensiveness connected with infraction by being gradually hardened to the more severe forms of sanction. Consequently the apprehensiveness may be managed."<sup>15</sup>

But while the available aggregate data is inconclusive about what impact the unit might have on the threat of apprehension and punishment city-wide, some general observations can be made which may be helpful in this evaluation. It is fair to say that in uncovering the hidden nature of racial violence and elevating its priority within the department, there was some increase, the extent of which is not known, in the perception by offenders of the threat of apprehension. This statement is made in the context of the "messages" that were delivered via the media on the numerous cases in which the C.D.U. apprehended and convicted rule violators. The media played a significant role in publicizing the acts of violence and the arrests of the C.D.U.

The extent of this impact may be more clearly realized in those pockets in the city which had demonstrated considerable racial intolerance. For example in Day Field, Middletown and East Boston, where

Community Disorder resources were concentrated a noticable and significant decrease in both the number and seriousness of incidents was readily noticeable after what had been years of violence. The prosecution and conviction of rule violators, coupled with the pressure exerted on the local district courts by moral entrepreneurs, had a significant effect in decreasing the overall number of racially motivated crimes in these areas. In some cases it took several years but what became clear was that a consistent police effort in these areas had produced substantially fewer incidents and a situation in which individuals who had already committed acts of racial violence and been punished and made accountable for these acts (which had previously gone unpunished), and seemed less likely to engage in new acts.

Finally, it must be noted that the more innovative actions of the C.D.U. were instrumental in sending out "messages" throughout the city of the consequences of engaging in such acts. Two examples come to mind. The first case involved the obtaining of injunctive relief in Day Field in which the C.D.U. with the Attorney General's Office enjoined youths from future acts of violence. This case was widely publicized in the media, and the judge in the case specifically warned all the defendants that if they violated the court order, "They would see the inside of Deer Island." When one of the defendants violated the order by urinating in front of the victim's home, the judge immediately sentenced the youth to sixty days in prison. The swiftness of this action stands in marked contrast to the usual delay in most cases between the commission of the crime and the final adjudication of guilt. The sentencing by the judge of the sanction immediately after the crime occurred reaffirmed that his threat was not an empty promise. This action was widely covered by the

media, and this publicity was significant in sending out an important message to the community.

In the second example the C.D.U. developed an undercover operation to uncover selective discrimination in a Boston nightclub. The quick and decisive actions by the Licensing Board in revoking their entertainment and liquor licenses (putting them out of business) and the subsequent widespread media attention that the action generated was instrumental in sending out another message to the general public that these crimes will not be tolerated. While one might question what impact this threat and its application might have on the general public, there could be no question of its relevance to owners of nightclubs who might be engaging in racial discrimination. Seeing a nightclub put out of business for engaging in racial discrimination was bound to have a chilling effect on business entrepreneurs.

In conclusion, it is not possible to say with any degree of certainty or precision that the Community Disorders Unit was solely responsible for reducing racial violence. For, while we have observed some decreases in the number of reported incidents over time, it is impossible, without more information and more control variables, to determine whether this decrease is due to the work of the unit or may be due to other factors such as a shift in the racial composition of the population, reporting errors, or the effect of spurious variables. As Zimring and Hawkins have stated, "It is one thing to note the difference or lack of difference between areas, in a crime rate and the conditions of threat and punishment that may accompany it, and quite another thing to establish a causal relation between a crime control policy and an observed crime rate."<sup>16</sup>

Yet some specific conclusions can be made. Prior to the implementation of the community disorders policy in certain communities there existed what David Matza calls the "imputation of incompetence" of law enforcement agents which had the effect of "derogating the consequences of conviction."<sup>17</sup> The C.D.U. was effective in those communities in which pockets of racial violence had traditionally occurred without significant involvement of rule enforcers. The threat of apprehension and punishment was considerably elevated by the C.D.U. in these communities. Likewise, in those courts which demonstrated some racial bias the C.D.U. with other moral entrepreneurs was successful in focusing attention on this process. So, while it may be difficult to access the impact of the C.D.U. policy across the city, it is possible to say that in areas where persistent patterns of violence occurred, the C.D.U. was effective in increasing the perception of the threat of apprehension.



**SECTION THREE: Theoretical, Social and Policy Implications**

The final section of this thesis is divided into three chapters. In chapter IX we will examine some of the unique theoretical underpinnings of the unit. In the chapter X we will look at how selected cities have dealt with racial violence. In the final chapter we will discuss the policy implications which can be gleaned from a number of dilemmas that the unit faced, and make some final conclusions.

CHAPTER IX: THE ROLE OF POLICE AS MORAL ENTREPRENEUR

Unlike traditional studies of crime which tended to focus on the characteristics of the offender, there has been renewed interest in the process by which rules are made and the way in which agents of social control apply these rules. Rather than viewing any act as being intrinsically criminal, this perspective stresses the way society "creates" deviance through processes of social definition and rule making.<sup>1</sup> This perspective, known as the "labeling school," views deviance not as a "static entity but rather as a continuously shaped and reshaped outcome of dynamic processes of social interaction."<sup>2</sup> Howard S. Becker, a leading proponent of this perspective, stresses the central theme of labeling theory:

Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. Therefore, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label.<sup>3</sup>

According to this relativistic notion of deviance, no act is intrinsically wrong but is a function of how people perceive it. Becker says, "Deviance is not a quality that lies in behavior itself, but in the interaction between the person who commits an act and those who respond to it."<sup>4</sup> Kai Erikson adds to this perspective by noting that, "Deviance is not a property inherent in certain forms of behavior; it is a property conferred upon these forms by the audiences which directly or indirectly witness them. The critical variable is the social audience ... since it is the audience which eventually decides whether or not any given action

or actions will become a visible case of deviation."<sup>5</sup>

As Schur has noted, "The value of labeling analysis in explaining a particular form of deviance may be related to the degree of cousensus on its social definition, borderline forms of deviance seem to be especially good candidates for labeling analysis and those deviations on which widespread consensus exists less promising candidates."<sup>6</sup> This distinction is significant and is born out in crimes such as murder, rape, incest, and robbery which we would universally agree upon to be morally wrong; whereas victimless crimes such as prostitution and drug use are more suitable for labeling analysis, because the process of defining them as deviant becomes more problematic due to the lack of consensus among the various actors in the system.

The policy implications of labeling theory sensitize us to the negative aspects of the labeling process such as identification with a deviant image, secondary deviance and stigmatization. In addition, we are made aware of how and why the process of rule creation and rule enforcement are inherently problematic. What is interesting is that these perspectives have always looked at deviance from the impact on the offender, for it is he who is being stigmatized; it is he who is being exposed to a delinquent subculture or being denied a job because of a criminal record, etc. This is, no doubt, a reflection of what Becker has called the tendency of social scientists to be sympathetic to a kind of underdog orientation in viewing deviance. In "Whose Side Are We On?" Becker has acknowledged that in "seeming to side with the deviator (by viewing the situation from his point of view) the labeling analyst has actually simply refused to acknowledge and defer to the conventional 'hierarchy of

credibility."<sup>7</sup>

But this raises an interesting question, which is, whose perspective do we choose when we seek to analyze a given social problem? In adopting the perspective of the rule-violator, we come away with a certain set of conclusions. However, suppose we were to view the problem of rule violation from the perspective of both the victim and the agents of social control as we have done in our study of racial violence, and then examine labeling theory in this light. Is there a functional aspect to labeling theory which may have been overlooked? While labeling theory may be insightful in helping us understand the negative aspects of criminalizing victimless crimes, might this analysis be conversely used to show the functional aspects of labeling theory from the perspective of certain kinds of victims whose plight has remained hidden?

In studying the passage of the Marihuana Tax Act and the role of the Federal Bureau of Narcotics, Becker observed that rules are made and enforced only when someone or something provokes enforcement. According to Becker enforcement requires explanation, and the explanation is based on two significant points. "First, enforcement of a rule is an enterprising act. Someone - an entrepreneur - must take the initiative in punishing the culprit. And second, enforcement occurs when those who want the rule enforced publicly bring the infraction to the attention of others; an infraction cannot be ignored once it is made public. Put another way, enforcement occurs when someone blows the whistle."<sup>8</sup>

In our case study we saw that, in the period from 1975 to 1978, the Lawyers' Committee documented numerous cases of racial violence and consistently attempted to bring these incidents to the attention of law

enforcement agencies. It is fair to say that the Lawyers' Committee's motives were grounded in some basic values concerning freedom and equality, in particular the right of black citizens to live where they choose, free of violence. Becker notes that specific rules or policies usually find their beginnings in shared values. Talcott Parsons defined values as:

...An element of a shared symbolic system which serves as a criterion or standard for selection among the alternatives of orientation which are intrinsically open in a situation may be called a value.<sup>9</sup>

The Lawyers' Committee, with other agencies such as the Attorney General's Office and the media, brought the problem of racial violence to the public's attention and demonstrated considerable "initiative" and "enterprise" in putting pressure on the police department to act more effectively. The Lawyers' Committee was the force, with other concerned agencies, that sought not necessarily new rules but more effective enforcement of the existing laws. In effect the Lawyers' Committee could be viewed, as Becker has coined the phrase, as moral entrepreneurs - or the people who exhibit initiative and enterprise in getting rules or policies created.<sup>10</sup> The Lawyers' Committee would probably fit Becker's prototype of rule creator which is the "crusading reformer who is fervent and righteous, often self-righteous."<sup>11</sup> The success of the Lawyers' Committee efforts were exhibited in their ability to get the police department to agree to setup a unit which would specifically investigate racially motivated crimes. We have thus seen how the general values of the Lawyers' Committee concerning freedom, justice, and equality were translated into a specific action plan which eventually found itself operationalized in the police department in the form of the Community Disorders Unit.

With the creation of the Community Disorders Unit in 1978 the Lawyers' Committee role did not dissipate. It continued to prod the unit to investigate various crimes and to question why certain individuals were arrested or were not arrested. Becker observed that a man's preoccupation may become his occupation, and the success of a crusade often leaves the crusader without a vocation.<sup>12</sup> It is not surprising, therefore, to discover that the Lawyers' Committee continued to monitor the C.D.U. and, in fact, created in 1982 a special committee of its own (one attorney) to "combat racial violence."<sup>13</sup> This phenomenon was noted by Becker when he observed that, when a cure was found to eliminate the epidemic poliomyelitis, the National Foundation for Infantile Paralysis quickly changed its name to the National Foundation and went about the task of studying other health problems. A bureaucracy had emerged which needed a new mission and goals to support the considerable staff and administration that had developed over the years.

The creation of the Community Disorders Unit necessitated the development of a policy and set of rules to specify how the department was to handle racial violence. The "Special Order" or policy statement was unique for the police department, for in addition to the elaborate procedures which were outlined, the policy also implicitly stated some of the basic values that the rules grew out of:

It is the policy of this department to ensure that all citizens can be free of violence, threats, or harassment, due to their race, color, creed or desire to live or travel in any neighborhood.<sup>14</sup>

These values were transformed into specific policy and rules to be followed. The crusade of the Lawyers' Committee had become institutionalized with the creation of the Community Disorders Unit. Once established, the C.D.U. began to develop its own bureaucratic procedures. A

C.D.U. incident follow-up sheet was devised, community disorder stamps disseminated, new department incident reports printed with blocks to mark for whether the incident was to be brought to the attention of the C.D.U. and so on.

But, no doubt, the most compelling point of all was the creation of a new term, "community disorder" to define those incidents which were the result of some form of racial animus. This new definition was significant for several reasons. By redefining "normal" crimes such as vandalism, assaults, and arson that were racially motivated into a new category - "community disorders" the department was implicitly stating that it considered these crimes to be different. And, by treating these crimes as different and stipulating that they receive the highest investigative and preventive effort possible, the department was dramatically altering its previous policy.

While this new definition of crime may have resulted in a new group of outsiders, in the terminology of the labeling theories, it must be emphasized that there was a corresponding functional impact on what had been regarded as the "normal" victim of a crime. When it was determined that a pattern of incidents was more than simply single acts of vandalism and were, in fact, community disorders, a new class of victim was uncovered. This new class of victim had remained previously hidden in the myriad of criminal violence that occurs in the city everyday. By uncovering this previously overlooked form of victim, the department was implicitly stating that something more than simply vandalism, for example, was occurring. While this new definition of the crime, and the concomitant reallocation of police resources, may have had the effect of increasing the number of outsiders, it must be recognized that this

labeling process also had the functional effect of dramatizing the significance of what had previously been regarded as a "normal" crime. And by elevating the significance of these crimes, the agents of social control's definition of crime and the victim's definition of the crime were finally the same. And this shared definition demonstrated to this type of victim that the police were more than simply "concerned" about their problem (as is traditionally the case in most community-relations programs) but rather the police understood both the impact and the consequences of the violence and were prepared to allocate resources to do something about it.

The more cynical perspective might also say that the term community disorder was a euphemistic way in which the policymakers were able to have their cake and eat it too. By calling these acts of violence community disorders rather than racial incidents, it allowed the city to both indicate that it was doing something about the problem of racial violence while at the same time deny that the controversial problem existed. It was as if the city was trying to say two things at the same time; yes we are concerned about community disorders, but no we do not have a problem of racial violence. This schizophrenic behavior is not unique to police departments, as many organizations are frequently caught between attempting to balance a public posture with internal realities.

Becker notes a phenomenon common to many agencies which are charged with a new task - an interest in acquiring the best tools possible to accomplish their goals. It is, therefore, not surprising that several months after the C.D.U. had been formed, they aligned themselves with other social control agencies and moral entrepreneurs (e.g. Civil Liberties Union) in attempting to have legislation passed which would



provide them with new weapons to wage their battle.

The C.D.U. recognized that, while the term community disorder had significant policy implications, it had no legal ramifications. Members of the C.D.U., therefore, saw the pending civil rights statute as a way to translate the general notion of community disorder into specific laws with increased penalties. The C.D.U. envisioned the passage of the state civil rights legislation as critical to the work of the unit. Therefore, the C.D.U. provided "expert testimony" to numerous members of the legislature in lobbying for passage of the statute. Again the role of the C.D.U. must be viewed as moral entrepreneurs who, with other agents of social control, provided the "enterprise" and "initiative" to see the legislation passed.

The credibility of the C.D.U. came to be widely recognized as other moral entrepreneurs frequently called upon the unit to provide expert testimony, or to talk to the media to support their cause. When the city sought to establish a Fair Housing Commission, the C.D.U. was asked by the city to testify in front of both the City Council and at the State House concerning the pattern of racial violence in various parts of the city.

The value of this analysis is to underscore the notion of deviance as being the result of a process which needs to be discovered and pointed out. As Rubington and Weinburg have noted, "Somebody must perceive an act, person, situation, or event as a departure from social norms, must categorize this perception to others, must get them to accept this definition of the situation, and must obtain a response that conforms to this

situation. Unless these requirements are met, deviance as a social fact does not come into being."<sup>15</sup> Deviance then becomes a process which starts with moral entrepreneurs, who, because of shared values, push for enactment of various rules and establishment of mechanisms to enforce the rules. Like the process of rule creation which necessitates initiative and drive, rule enforcement also requires a concomitant effort. And like the process of rule creation, the interaction between enforcer and violator may be a function of organizational policy.

The creation of the Community Disorders Unit was a classic example of the work of moral entrepreneurs who exhibited both initiative and enterprise. The institutionalization of the Community Disorders Unit and its emergence as moral entrepreneurs in its own right was a unique role for urban police. While traditional labeling theory has viewed deviance from the standpoint of the offender, a key theoretical issue which has received little attention is how our perspective might be altered from the viewpoint of the victim. Or to put this in the context of the instant case, our argument is that the redefinition of certain acts of crime not only has the effect of creating more outsiders but also has the functional consequence of uncovering a heretofore hidden form of victim.

CHAPTER X: OTHER CITIES

There are no accurate figures on the extent of racial violence nationally, since, with the exception of Maryland, which recently passed a law requiring the reporting of all incidents directed against "racial, religious or ethnic groups," there is no federal or state policy which requires municipalities to do so.<sup>1</sup> Generally speaking, it is not felt by most law enforcement agencies in the country that there is a need to keep separate statistics on these crimes, since many of the incidents which may be racially motivated such as arson, vandalism, and assaults, are already compiled under the present reporting system. Typical of this viewpoint was expressed by a member of the F.B.I. who said:

The F.B.I. does not keep separate statistics on incidents of racially or religiously motivated violence. Any information on such incidents would be grouped with all other violations of a similar nature with regard to the type of crime involved. The only statistics which are kept that would relate to racially or religiously motivated violence are the number of domestic terrorist incidents and the number of domestic security investigations. However, these statistics deal with all other types of violent activity and would include politically and criminally motivated violence as well.<sup>2</sup>

Some police agencies may keep some kind of internal, nonofficial, record-keeping of such incidents, as Boston does, however there simply is no way to measure and compare the extent and nature of this violence nationally. And while some departments are very sensitive to this issue, most simply refuse to believe it is a problem. In answer to an inquiry as to whether it has a policy on racially motivated crime, an official of a large mid-western department wrote back, "We do not discriminate against violence. We treat all violence equally. Seriously, we have no specific programs or procedures dealing with racial or ethnic violence. Our

Community Relations personnel are available to assist all officers in those isolated incidents that we have."

But even without any national statistics to measure the extent of this problem, it becomes apparent when one reviews various publications written mostly by civil rights groups, as well as surveys major police departments across the country, that since the late seventies a resurgence of racial violence has surfaced.

According to the Anti-Defamation League (A.D.L.) of B'nai B'rith, since 1978 there has been nearly a twentyfold increase in reported episodes of anti-Semitic vandalism in the country. According to the A.D.L. figures there were 49 incidents in 1978, 120 in 1979, 377 in 1980 and 974 in 1981.<sup>3</sup> Cross burnings, bombings, and other forms of racial attacks appeared to be on the rise across the country, particularly in the Northeast and in California. According to A.D.L. figures 85% of those arrested were youths under 20. And while groups such as the KKK and Nazis also appear to have had a resurgence in activity, it appears that most incidents were not done by organized groups.<sup>4</sup> Yet the Georgia Advisory Committee of the U.S. Commission on Civil Rights reported that Klan organizations in the South have grown considerably; however, the Michigan Advisory Committee felt that organized groups were less of a concern and attributed most of the increase in racial attacks to individuals.<sup>5</sup> In California the Fair Employment and Housing Commission held public hearings in 1981 and concluded that "Black, Hispanic, and other minority families have been subjected to terrorist acts of racial violence and harassment including physical attacks, deliberately set fires, shootings, threats, and assaults with motor vehicles."<sup>6</sup>

In reviewing newspaper stories, agency reports and policy statements

from police departments that responded to an inquiry<sup>7</sup> concerning racial violence, there is a significant increase in a variety of racial attacks, but particularly noteworthy is the increase in cross burnings and anti-Semitic attacks. The Baltimore Police Department reported a sharp increase in the number of cross burnings in 1981 and other apparently racially motivated criminal acts. In fact, in 1982 President Reagan visited a black family who had recently moved into a white neighborhood in Prince George's County, Maryland and was the victim of a cross burning in front of their home.<sup>8</sup> West Orange, New Jersey, Suffolk County and Nassau County in New York all experienced increased anti-Semitic acts of violence.

The following are some examples of incidents which occurred across the country in the late seventies and early eighties:

- In Barnegat Township, New Jersey, rifle shots were fired into the home of a black couple.<sup>9</sup>

- In Hayden, Alabama, members of the KKK raided a home of a racially mixed couple and injured a black man.<sup>10</sup>

- In Memphis, Tennessee, a white man was charged by a federal grand jury with planning and participating in the firebombing of the home of a black family who had moved into a white neighborhood.<sup>11</sup>

- In Detroit, Michigan, three Klan members pleaded guilty to conspiring to shoot a black man for drinking in a "white" bar in Detroit.<sup>12</sup>

- In Salt Lake City, Utah, two young black men were shot while they jogged in a park. A white man was later convicted of civil rights violations in connection with the crimes.<sup>13</sup>

- In Santa Fe, Texas, a group of whites, many of whom were alleged to

be members of the KKK, set fire to a 30-foot cross to show support for local fisherman who were troubled by the influx of Vietnamese refugees into their industry. A leader of the rally was a KKK "grand dragon" who described the cross burning as a "holy Christian ceremony" and climaxed his speech by raising his hand in a Nazi salute and shouting "White Power: we will fight!" Several weeks later a Houston radio station reported that some 50 Texas fishermen were planning a four-day military training exercise with Klansmen.<sup>14</sup>

- In Nashville, Tennessee, six persons were arrested following an attempt to plant dynamite in a Jewish synagogue and blowup Jewish owned businesses.<sup>15</sup>

- In College Park, Maryland, a Jewish female student was shot five times with a BB gun while the attacker shouted "Heil Hitler" as he fired. An underground newspaper at the university hailed the assailant as a hero and suggested that the next time he use a flame thrower on the victim.<sup>16</sup>

- In Nassau County, several youths were arrested for painting swastikas on synagogues.<sup>17</sup>

- In New York City, four boys aged eight to eleven years old, left the Rabbi Jacob Joseph School in Staten Island in shambles after a night of shattering windows, overturning furniture, throwing papers and books to the floor and spray painting the walls with fire extinguishers.<sup>18</sup>

- In West Orange, New Jersey, a youth was arrested for engraving a swastika in a cement sidewalk in front of an office building which had several Jewish businesses in it.<sup>19</sup>

- The Governor of California's Task Force on Civil Rights Report on Racial, Ethnic and Religious Violence of 1982 has noted increased racial violence particularly in Orange County, where a large influx of Southeast

Asians have settled. According to the Commission report, "Much of this violence is apparently hidden, partly because the affected groups are reluctant to report it." It also noted increased attacks on Hispanics which, like other groups, were reluctant to report incidents of racial violence for fear of reprisal or deportation.<sup>20</sup>

- In Detroit, Michigan, an Asian-American was beaten to death by two white unemployed blue-collar workers who reportedly thought he was Japanese.<sup>21</sup>

- In Brooklyn, New York, seven families of Cambodian refugees fled the city after continued attacks by neighborhood youths.<sup>22</sup>

Against this nationwide increase in incidents, a variety of responses has emerged from police departments. The responses can be collapsed into three categories: conventional, specialized, and disturbance oriented.

#### CONVENTIONAL

Many large police departments consider the problem of racial violence within the context of the entire crime problem. It is viewed as important but it does not require any specialized programs; rather, the programs already in existence are considered sufficient to handle racial incidents. For example, the Washington D.C. Police Department has no procedures or training programs that specifically are related to the investigation of racial violence, since, according to one official, "This is not a problem which has surfaced in Washington, D.C." However, the department noted it has a Civilian Complaint Review Board which it feels is sufficient to respond to any citizen who feels his problem was not professionally handled. In Los Angeles racially motivated crimes are investigated like any other crime; however, copies of the incident are sent to the Department's Criminal Conspiracy Section for their determination of

whether these incidents occurred in more than one area. The department's Intelligence Unit and the Anti-Terrorist Division also receive copies of the report.

Another type of police response which has become part of the conventional approach is exemplified by the Chicago Police Department. Chicago handles racially motivated crimes within the framework of their already existing police community-relations programs. In Chicago the Bureau of Community Services oversees a Human Relations Section which monitors racially motivated incidents. The unit's function is to determine whether the incident is an isolated or simple act as opposed to one which is reflective of a larger pattern. The unit works closely with community leaders and organizations to stay abreast of their concerns. In addition to this, Chicago developed a Community Assessment Center, which grew out of commission reports on the Liberty City riots in Miami. This Center attempts to forecast potential problem areas. The Center assesses "community tension" by looking at key indicators such as (1) assaults against the police, (2) racial conflicts between groups, (3) citizen complaints against the police, (4) assaults against firefighters, paramedics, and city employees, (5) media reports, and (6) other incidents (e.g. serious vehicle accidents or other actions involving city employees that exhibit a potential for creating tension, and/or hangings and attempted hangings by prisoners while in police custody).

#### THE EMERGENCE OF SPECIALIZED UNITS

Aside from these conventional approaches to the problem of racial violence, it becomes apparent that a very distinctive type of police response began to emerge primarily in the Northeast in the late seventies. This response differed somewhat from the conventional models in several



ways. It recognized that, while traditional patrol and investigative response was effective in most crimes, it was not sensitive to the problem of racial violence and was therefore, inadequate. And the community relations programs, while usually more sensitive to community issues, were not effective in actually stopping the violence from occurring or apprehending those responsible. What emerged was a new police model which combined both sensitivity to the victim of racially motivated crime and had an operational capability to actually do something about the problem

While Boston appeared to be the first unit of this type in the country, it is interesting to observe that, with the increase in racially motivated crime in the country and particularly in the Northeast, by 1981 a number of cities had developed models which closely resembled the Boston unit. These units could be divided into two types, those that investigate primarily incidents involving acts committed by individuals who are not a member of any particular organization, and those units that investigate incidents which appear to be the work of organized groups. The former group is the more prevalent, while the latter group exists only in a few cities. We shall call the first type bias units and the second type covert units.

#### BIAS UNITS

In New York the Nassau County Police Department established a "Bias-Crime Investigation Unit" in June, 1979. The New York City Police Department created the Bias Incident Investigating Unit (B.I.I.U.) in December 1980. West Orange, New Jersey, established a Bias Incident Investigation Unit in November 1981. Nassau County and West Orange each have one "coordinator" who draw their investigators from regular police

units as needed. In effect the units are one person. New York, however, has a full-time staff of ten (10) detectives, a sergeant and a captain who work from 10 a.m. to 1 a.m., seven days a week. (Almost exactly the same number of officers and work schedule as exists in Boston.)

The coordinator in the two smaller departments works either out of the detective bureau or directly for the chief of police. The responsibilities and functions of both units are quite similar. The emphasis appears to be on ethnically motivated acts of violence, but the units investigate racial violence as well. The responsibilities of the unit in West Orange are to investigate all sensitive or potentially sensitive events which fall within the realm of bias incidents, including but not limited to:

1. swastika daubing
2. criminal mischief highlighted by racial or ethnic overtones
3. Harassment or terrorists threats contextually based upon racial bias or ethnic slander
4. Cross burnings
5. Physical assaults based upon or motivated by ethnic or racial criterion.<sup>23</sup>

These units are also responsible for gathering "intelligence" about groups that may be involved in these incidents as well as developing "workshops" and training programs for both officers in the department as well as for community groups at large. It is interesting to note the passion with which the unit in West Orange discusses its mission:

When an individual is the target of a bias incident or a building or venerated object is used as a vehicle for the racial vandal, the pain is acute and goes right to the marrow of one's heart and soul. In a monetary or "for gain" burglary/theft the criminal wants your belongings to convert to ready cash. When the ethnic terrorist or racial vandal attacks you or your community, regardless of the real intent, he is attacking you, your ethnic heritage and/or religious

beliefs.

Christian or Jew. Black or white, the act is targeted at you, not yours -- YOU! Regardless of the bottom line intent of the bias incident, you feel spiritually and emotionally raped, violated.<sup>24</sup>

In Nassau County, New York, a large poster was made up and disseminated in the community. It reads:

Stop religious and racial harassment ...

If you have been a victim of harassment, vandalism, cross-burnings, or swastika smearings because of your race, religion or national origin ...

You have a right to justice.

The Nassau County Police Department stands ready to act against those who engage in such conduct. Help the police to help you by signing a complaint and prosecuting the offender.

To report a crime call 911.

In both Nassau County and West Orange the Anti-Defamation League were the moral entrepreneurs who were responsible for providing the enterprise and initiative in getting the unit established. According to the coordinator of the West Orange unit the Chief of the department decided to establish the unit after meeting with members of the A.D.L. who expressed a need for it. The poster which was described above in Nassau County contained the following inscription:

This message is brought to you in cooperation with the Anti-Defamation League of B'nai B'rith.

The New York City Police Department Unit (B.I.I.U.) very closely resembles the Boston unit. While the Boston unit works out of the Police Commissioner's Office, the New York unit is centralized in the Chief of Operations Office, which stands apart from the patrol and detective units. The "interim order" of the department is very similar to Boston's "special order" and specifies the responsibilities of the department in

reporting incidents to the B.I.I.U. and the purpose of the unit:

...The B.I.I.U. will insure centralized crime analysis pattern and trend identification, related record keeping and comprehensive investigation of all racially, ethnically or religiously motivated incidents.<sup>25</sup>

Patrol officers are responsible for notifying the commanding officers of the B.I.I.U. of an incident. B.I.I.U. personnel are then to "assume complete control of the investigation as appropriate." Most significant of all was the requirement that the Borough Commander and the Precinct Commander personally visit and interview victims of bias incidents. The unit is called the "God Squad" by some officers within the department because so much of its time involves incidents of anti-Semitism. The unit was formed because of an alarming increase in anti-Semitic incidents in the city throughout 1979 and 1980.<sup>26</sup> The A.D.L. is a strong supporter of the unit, and one can assume that they may have been involved in pressing for its establishment.

Like the Boston unit, it works closely with district detectives to solve crimes. And like the Boston unit, it does decoy work to ferret out possible attackers. Unlike Boston, the emphasis in New York appears to be more on crimes such as the desecrating of synagogues, vandalism of cemetery crypts or the theft of torah scrolls. The unit does however get involved in serious crimes such as, for example, the death of a black transit worker who was dragged from his car and beaten by white youths.

#### COVERT UNITS

While bias units tend to be the predominant type of specialized unit that deals with racially or ethnically motivated crime, there is evidence that some departments are applying traditional undercover techniques to this problem. Unlike bias units which deal almost exclusively with

individual offenders who usually are not members of a particular organization, these covert units focus on cases involving organized groups such as the K.K.K. or the National Socialist White Peoples Party. They often make extensive use of informants, electronic surveillance and undercover operatives. Providence, Rhode Island has an undercover unit called the Terrorist-Extremist Suppression Team which, working under the direct supervision of the Police Chief, has been involved in gathering evidence against organized groups and has been responsible for uncovering valuable information which led to the prosecution of K.K.K. members as well as other perpetrators of racial violence.

Department policy in Atlanta calls for all acts of a racial or religious nature (e.g. crossburnings, firebombings, vandalism of property, hate mail, etc.) to be brought to the attention of the "Special Investigations Section." This unit, like the Providence unit, works directly for the Chief of the Department and is primarily responsible for conducting major investigations into narcotics, organized crime and apprehending major offenders. It specializes in covert electronic surveillance for the entire department. The S.I.S. is the elite unit of the department and utilizes its considerable expertise and resources to investigate racially motivated crime. Little is really known about the operation of the Providence or Atlanta units, sir, by definition, their work tends to be secret.

#### DISTURBANCE ORIENTED

There are a number of departments in the country that view the problem of racial violence from the perspective of controlling massive disorder or unrest such as has been witnessed in Newark, Watts or most recently Miami. For this reason these departments tend to be less

concerned with individual acts of violence such as we witnessed in Boston or New York and more concerned with peacefully controlling large demonstrations and urban disorders. What they may fail to recognize is that, out of the small incidents of everyday violence, grows the urban disorders that they so fear. Miami now has a very extensive policy concerning civil disturbances but little on racial violence per se. Philadelphia likewise concentrates on the police role in demonstrations.

#### LAWS ON RACIAL VIOLENCE

In almost every city in which there was an increase in racial violence and a corresponding increase in police enforcement of these crimes one could also find a proliferation of new laws which were designed to provide the police with specific additional tools to deal with the problem. In Boston we saw the enactment of the state civil rights statute. In New Jersey in 1981 two statutes were added to the criminal code. One law makes it a crime to engage in racially motivated vandalism such as the burning of a cross or the painting of a Nazi swastika on property.<sup>27</sup> The second law deals with specific penalties for desecrating religious or sectarian premises, damage to property, etc.<sup>28</sup> New York did much the same thing in 1982 when it added a new provision to its existing Aggravated Harassment Law:

A person is guilty of aggravated harassment in the second degree when, with intent to harass, threaten or alarm another person he strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts to threaten to do the same because of the race, color, religion or national origin of such person<sup>29</sup>

It also enacted another law in 1982 increasing the penalties for repeat offenders of the above law who engage in damaging premises primarily used for religious purposes<sup>30</sup>

Washington, D.C. enacted an "Anti-Intimidation and Defacing of Public or Private Property Act" in 1982 which increased the penalty for the defacing of any public or private building and specifically prohibits the burning of a cross or other religious symbol on private property without consent of the owner.<sup>31</sup>

And finally in Providence, Rhode Island the General Assembly recently amended its General Laws and added a section on "Ethnic and Religious Intimidation" which upgraded threats based on race, religion or national origin from a misdemeanor to a felony.<sup>32</sup>

#### UNIQUE LEGISLATION

While these laws provided additional legal tools for the agents of social control to go about their business, two pieces of legislation were particularly noteworthy. The first involved the enactment of legislation by the Montgomery County Maryland City Council in 1982 of an Anti-Hate/Violence Fund for the purpose of establishing a fund to pay for information leading to the arrest of individuals involved in acts of racial or religious hate/violence.<sup>33</sup> The law established a \$50,000 fund to be used exclusively by the police to pay citizens who provided information concerning racial or religious crime. The Chief of Police controls the fund, and although it is not uncommon to pay informants for information in drug, homicide, or certain forms of burglary cases, it is unprecedented to see money allocated for "buying" information in racial violence cases.

The second piece of legislation which stands out is the enactment in Maryland in 1982 of a state law that requires all municipal police departments to officially record all incidents which are racially or religiously motivated. This reporting process is carefully outlined and moni-

tored in order to ensure uniform compliance. Once the State Police in Maryland receive these statistics, they are required to forward them to the Human Relations Commission for their follow-up and release to the public according to the law which was enacted.<sup>34</sup> A form has been developed by the Maryland State Police which makes this process easier for local departments. The State Police then distribute on a yearly basis, a comparison of all the counties in Maryland with the total number of incidents, including assaults, arsons, cross burnings, vandalism, threats, other incidents, and "possibles." "Possibles" are incidents in which the police do not have enough evidence to be absolutely sure an incident was racial (e.g. vandalism with unknown suspects) but have reason to assume it might be. Maryland is the only state in the country that has this valuable statistical tool. If all states had similar laws passed, it would be a significant step forward in developing a more consistent national reporting system. Even used within the state, it could be useful in analyzing trends from county to county, or year to year.

While one is inclined to become pessimistic concerning the increases in racial violence in the late seventies and early eighties it is reassuring to know that, in many jurisdictions, law enforcement agencies have responded with vigor and determination. Yet there are still departments that don't see racial violence as a significant problem but it seems that they are out of step with what is becoming a fashionable idea. And while we are occasionally frustrated by what seems like institutional indifference or neglect, we should realize that policing has changed considerably since the days of Lincoln Steffens and his observations of police



clubbings:

Coming in with papers from his precinct, he halted beside me to look at a specifically wretched case: an old Jew, who plainly had been hit many times with the long night sticks; across the nose and eyes, on the side of the head, on his right hand, left arm or shoulder, and his back. He was crying and shrank from the slightest touch. It was pitiful, and I must have made some sign of my disapproval.

... I passionately desired action, and so feeling I dashed into the office of the Superintendent and told him about the daily procession of wounded.

"Yes, I know," said Byrnes. "They should not be brought in at the front. It looks bad, and I have given orders repeatedly that prisoners, especially damaged prisoners, be brought in at the rear. I'll see now that it's done. Thank you for calling my attention to the matter."<sup>35</sup>

## CHAPTER XI: DILEMMAS, POLICY IMPLICATIONS AND CONCLUSION

In looking back on the emergence and development of the C.D.U., a number of dilemmas surfaced which were significant turning points in whether the unit survived or failed. Valuable lessons may be gleaned from both the mistakes and accomplishments of this policy. These lessons may be insightful to future planners who contemplate similar efforts. Let us begin with a look at the implementation process and examine some of the more compelling dilemmas and discuss the relevant policy implications of each.

### The Implementation Process

Some of the most thoughtful and well-intentioned plans envisioned by policymakers never got off the ground or were significantly altered in their application, because planners failed to recognize the significance of what has come to be called the implementation process. The implementation process has been likened to an assembly line in which one begins with an idea, and then gradually it goes through a series of modifications in which numerous actors play a part in its development. But unlike, say, developing an automobile in which we could liken the implementation process to an actual assembly line, implementing public policy in bureaucracies is probably more aptly characterized as an obstacle course in which one must constantly be aware of major roadblocks to the successful integration of the plan.

Eugene Bardach views the implementation process as a system of pressures and counter-pressures.<sup>1</sup> It requires constant negotiating and maneuvering in which, in order to get compliance, the change agents must exercise considerable persuasion. He likens this to a form of politics.

Pressman and Wildavsky in a similar light view implementation as the process of interaction between the setting of goals and actions to achieve them. The development of a program is, therefore, viewed as a system in which each part is dependent upon another. Pressman and Wildavsky state, "Program implementation is a seamless web, if X then Y. Implementation, then is the ability to forge subsequent links in the causal chain so as to obtain the desired results."<sup>2</sup>

The implementation process is a very dynamic one if one recognizes that the process can dramatically be shaped by the effects of one part of the system on another. We are all familiar with the non-controversial telephone game we played as children in which a story gradually was modified from beginning to end. Now let us think of actually implementing a new policy which may be somewhat controversial. It becomes clear that in any given system where the parts are dependent upon one another the planner will be faced with negotiating with each of the participants if the policy is to be operationalized the way it was envisioned.

Bardach uses "games" as a metaphor for understanding implementation. This is helpful in analyzing the implementation process in order to look at the "stakes" that each actor in the organization has in the process. The concept of "control" is at the center of the implementation problem and in the game metaphor control is exercised through "bargaining, persuasion and maneuvering under conditions of uncertainty."<sup>3</sup> How this game is played out by the various actors in the system, therefore, determines who wins and who loses. Winning is achieved by those who are able to use various tactics and strategies to influence the direction of the game. We will use the game metaphor to analyze the implementation process in our case study. However, before we do this, it is important

to recognize that the context within which implementation takes place is a significant variable in the process.

### Culture Within a Culture

William Westley's classic study on the police, Violence and the Police (1951), is still one of the best studies of the inner workings of an urban police department. At the center of Westley's classic work is a major theoretical insight about the police - the existence of a culture within a culture: the subculture. Westley and others, Skolnick (1966), Niederhoffer (1967), Rubenstein (1973) and VanMaanen (1978) have all observed a set of shared values and attitudes which develop as a consequence of the unique role that police have - a monopoly on the use of force. This role naturally exposes the police to danger and violence, and a defensive ethos emerges in reaction to these perceived threats, both real and imagined. A "perceptual shorthand" and "working personality" develop in response to the exigencies of the job. Cynicism and a basic mistrust of the community are key variables of this culture.

The existence of the subculture makes the job of managing the police inherently problematic since all police supervisors are drawn from the ranks. Having been "street cops," it is not surprising that many supervisors are overly sensitive to the men that they must direct. At the same time they are forced by police administrators to be managers, which places them between two warring factions. Because police officers can, by their actions, often embarrass a supervisor, a symbiotic relationship exists which makes enforcement of discipline risky business. Bittner (1970) notes:

But like all superiors, police superiors do depend on the good will of the subordinates...Thus they are forced to resort to the only means available to insure

a modicum of loyalty; namely, covering mistakes. In order to gain compliance with explicit regulations, where failings could be acutely embarrassing, command must yield in unregulated or little regulated areas of practice. It is almost as if the patrolmen were told, "don't let anyone catch you sleeping on the job; if they do, I'll get it in the neck and you will too. So please, keep walking; in return I'll cover for you if you make a false arrest."<sup>4</sup>

The low level visibility of the police function, combined with the fact that enormous discretion exists at the patrol level concerning decisions such as whether to arrest or not, use of force, etc. make the task of supervision inherently difficult.

The lack of concensus among both the community and the police as to what the goals of the police should be and how to achieve them leaves the organization with no clear mission. A mission being defined by Wilson as when higher-ups agree with operators as to what the task should be. Without agreement on a mission an organization tends to drift. The importance of defining goals is noted by Wilson (1967):

When we define our goals we are implicitly deciding how much, or how little of a bureaucracy problem we are going to have. A program with clear objectives, clearly stated, is a program with a fighting chance of coping with each of the many aspects of the bureaucracy problem. Controlling an agency is easier when you know what you want.<sup>5</sup>

#### Implementation of the C.D.U. Game

Let us now return to the issue of implementation and our case study using the metaphor of games to understand the process. We begin our analysis with the fact that in the history of police games the agents of change have been the big losers. Whether it be electronic car locating systems or siren activators, the planners have lost control of the game, and consequently the process failed. Or for example, giving officers walkie talkies to maintain control, in fact, has resulted in more freedom

for some officers who now may simply go to their favorite "dug-out" and simply monitor the radio and be available immediately if need be.

In our case study we saw that the key actors in getting the game underway were primarily the Lawyers' Committee. Although they continued to maintain an interest in the game, their role shifted to that of active spectator rather than player. The players in the implementation process were the C.D.U. and the other units in the department. In chapter three, we noted that seven weeks after the "Special Order" was disseminated, there was little if any change in department policy. The local districts viewed the creation of the C.D.U. as another "flash in the pan" idea that would quietly die as other similiar programs had in the past. At this point in time the district players perceived there to be "no stakes" involved in playing the game. Districts ignored the order by not reporting incidents to the C.D.U..

Then the events of June 29, 1978 unfolded and as we have previously described, a violent racial incident occurred which underscored the unevenness of the police performance in handling racially motivated crimes. The Police Commissioner called the Command Staff together and lectured them on the poor handling of the East Boston incident and the fact that police officers were being sued because of the incident. He then criticized them for not sending reports of incidents to the C.D.U. From this day forward the C.D.U. was inundated with reports.

What had happened? To begin with, the written order which was disseminated in April was just one of a myriad of written orders and policy changes that occur every day in the police department. In the game of policing, routinization and rigidity became standard operating procedures, and because of the subculture and problematic nature of

supervision, one rarely changes behavior unless game players perceive a direct sanction for non-compliance. Observation of the implementation of new rules in the game of policing indicates that a period of "testing" occurs in which game players watch to see if other players will challenge them for not following the rules. If they are not challenged, then the players will continue to play the game under the old rules.

In this case the referee (the Police Commissioner) called the key players (the Command Staff) attention to the rule violation and specifically warned them of the consequences of their failure to play the game properly (getting sued and perhaps demoted!). While at first glance it appeared that the players were complying with the rules, what they were actually doing was overcomplying with the rules. That is to say, they began to send every report of an incident between a black and a white to the C.D.U., thereby complying with the rules in such a way as to sabotage the process by not differentiating between racially motivated crimes and those that were "normal" crimes.

At this point a key player in the game, the C.D.U. director began to raise the stakes by calling each District Commander concerning a specific incident in his area that was either not reported by the district or was improperly reported. District Commanders, aware of the proximity of this key player to the referee, acknowledged the violation. When the director continued to do this over and over again, the District Commander began to become concerned that the director's preoccupation with this problem might be conveyed to the referee, and consequently, the Commander began to negotiate with his supervisors to encourage them to use the new rules to play the game. They, in turn, looked to the officers under their control to persuade them to use the new rules.

But, like the telephone game in which the messages change as they are passed along, this problem is amplified both by what Anthony Downs calls the "leakage of authority" and the nature of policing. The leakage of authority refers to the fact that each actor in the system has different goals and each uses his own discretion in translating orders from above in to commands downward - and the purposes the supervisor had in mind will not be the ones that the subordinate decides to use.<sup>6</sup> This becomes highly problematic when one realizes that one of the unique aspects of policing is the considerable discretion that exists at the lower level of the organization - the patrolman. The street level nature of decision making and its low visibility, coupled with an increasingly more conservative nature as one moves down the police hierarchy, makes implementation of this policy all the more difficult. Various tactics are used in the implementation game, particularly threats and incentives.

### Threats

Threats were effective at the higher level of the organization in getting the commanders attention focused on the policy, but they were rarely used against lower level players. When threats were used, they had to be used sparingly and subtly in the game of policing. Central to this strategy was the desire of never actually carrying out the threat for fear of alienating the key players in the game. If a key player was publicly reprimanded and embarrassed in front of other players, this would have unintended consequences within the context of the police subculture. Other players would close in around the "embarrassed" player, and a code of silence would be cast upon those that were responsible for this humiliation. In plain terms this would translate into the director's officers being silenced in the districts in which they were working and



their sources of information from these officers drying up. In addition, the defensive ethos of most players would account for the singling out of the C.D.U. as "lackeys" of the administration. Overall this would have the net effect of actually making the entire process worse rather than better.

### Incentives

A more effective way of countering resistance to implementation was the use of incentives. Incentives are far superior to deterrence systems because, as Bardach notes, "Unlike deterrence systems where the objects of control typically evade scrutiny by the controllers, incentive systems seek out scrutiny."<sup>7</sup> Unfortunately, incentives in most bureaucracies are very rare and threats more common.

The C.D.U. was in a position to offer two types of incentives: recognition and compensation. Recognition was effective in bringing attention to the work of anyone in the system who was playing the game according to the new rules. The director's proximity to the referee allowed him to use this relationship to his advantage. It was not unusual for the referee to call a District Commander to inform him that he was aware of how well a certain incident had been handled. This was done over and over again, for not only District Commanders but for supervisors and patrolmen as well. The game was played this way. A member of the C.D.U. would inform the director of the work of a key player in the district, and he in turn would either call the district to acknowledge the work or would ask the referee to call the district. This process was repeated over and over again and had a significant impact on reinforcing the value of playing with the new rules.

A second type of incentive was the use of discretionary overtime for

rewarding players for compliance with the new rules. The C.D.U. conducted training sessions in which supervisors and officers were selected to attend a day long session in which they were paid overtime compensation to attend. Since the C.D.U. was responsible for the sessions they could select those supervisors or officers who were playing the game well and, therefore, reward them for their actions, or select officers who could be convinced of the value of the new rules by attending the classes. This was followed up by an evening with C.D.U. officers on patrol, again on overtime. It was the strategy of this part of the game that exposure to the unit might demythologize the stigma that was occasionally attached to the unit. In addition to these tactics, planners should be aware of how other actors will attempt to interfere with the new game by the diversion of its goals.

#### Diversion of Goals

In the early existence of the unit, there was a period in which the goals of the C.D.U. were ambiguous and its resources (officers) vulnerable. Bardach notes two phenomena that may occur during the implementation process which may deflect the policy from its stated goals.

Piling On - This was observed in the case study in several ways. When it became clear that the unit was effective in playing the "racial incident game," various other players in the game suggested it might also be effective in the "stolen car game," or the closing down the "after hours establishment games." When the unit was asked to play these games it complied, but the director quietly bargained with the referee to convince him that, while this was understandable under certain circumstances, it would hurt the effectiveness of the unit's primary game if it became a common occurrence.

Up For Grabs - In the second type of goal diversion, various players within the department saw the fledgling unit as a potentially valuable source for seeking additional resources. While the unit was ultimately under the control of the referee, in day-to-day operations it was under the direction of a civilian who was initially viewed as a powerless player in the overall game. For this reason the two largest bureaus in the department, the detective bureau and the patrol bureau, each saw the C.D.U. as potentially vulnerable. When the patrol branch of the department was "looking for bodies" to fill its daily patrol plan, it frequently looked to the C.D.U. as a unit that was not as important as patrol, and it therefore initially recommended that officers should be taken from the unit and transferred to "street duty." The referee on numerous occasions rejected this strategy. The detective bureau was able to convince the referee of its need for several officers from the C.D.U. to perform undercover assignments for "only several weeks." The referee approved of this request; however, the detective bureau stretched the rules by keeping the officers for several months. It is clear that if the referee had not strongly protected the unit, its resources would have quickly been consumed by the high rollers of the game.

In summarizing the key elements of the implementation game, it is clear that it was a continual process that required constant detection of errors and quiet negotiation with actors in the system. One should not expect policy to be implemented overnight, particularly in a system as insular and xenophobic as a police department. Policy will be quickly tested in the early days of its implementation, and this is the critical period in which administrators must observe rule infractions and take action.

Taking action may mean the application of threats, but the more preferable policy is the use of incentives. The constant monitoring of the policy in the initial stages is crucial as it develops and is constantly shaped and modified in its application. The key actor in this process is the agency's chief executive officer, who, by his actions sends out a critical message in the organization as to how seriously other actors are to take the new policy.

It is important to recognize that the actual written policy of a program may be shaped and reshaped by the implementation process itself. In the instant case the implementation of the C.D.U. policy, which was broadly defined, appeared to go through an evolutionary process in which the policy was periodically modified and redefined by various internal and external contingencies. For example, the educational role of the C.D.U. and the testing by the Unit of various establishments for selective discrimination were responsibilities that emerged over time. Likewise, the monitoring of the department's performance which was envisioned in the initial policy statement, was somewhat scaled down as a result of an awareness of the dysfunctional consequences which would result from an internal affairs role. It is important to recognize that one cannot always anticipate what will happen when a policy is implemented, and the planner should be aware that the process is a dynamic one that will often be affected by various factors. For an excellent discussion of this perspective, see Palumbo and Harder's Implementing Police Policy<sup>8</sup> and Barrett and Fudge's Policy and Action: Essays in the Implementation of Public Policy.<sup>9</sup>

#### The Media

What cannot be overlooked is the significant impact that the media

has in communicating to the public information about an incident and the response of the police to this problem. Several reoccurring themes emerged concerning the role of the media in this area, and several valuable lessons were learned.

Perception is as important as reality

It did not take many incidents to recognize that the media could exercise considerable influence in the way an incident was reported. This became significant in the controversial area of whether or not an incident was considered a "racial incident." If an incident was perceived to be a "racial incident," it would generate more media attention. The C.D.U. established criteria to determine whether an incident was to be classified as a community disorder, and this was a useful tool in making these decisions. However, once an incident was reported in the media and characterized as being "racial," it became incumbent upon the C.D.U. to investigate the incident, regardless of whether the facts indicated it was racial or not. What came to be significant was the perception of the incident as was painted by the media. To immediately label the incident as not racially motivated, as police sometimes tended to do, had the consequence of generating controversy over whether the police were in fact sensitive to a perceived racial incident. What the C.D.U. came to learn was that from the media point of view of the media it was not as important whether an incident was racial or not, but rather the perception of the incident as racial in the community's eyes necessitated the unit's involvement in solving the crime. Once the initial emotions generated by the incident dissipated, the C.D.U. served a valuable function in putting the incident in perspective.

Never underestimate the tendency of the media to turn good news into bad news.

The C.D.U. enjoyed an inordinate amount of media attention which tended to be positive. This was due to the fact that incidents of a racial nature in Boston tend to receive more publicity than "normal" crimes, and when an arrest for such a crime was made by the C.D.U., it received considerable recognition. The unit had a good working relationship with the media and was the recipient of a number of favorable editorials praising its work.

Nevertheless the unit did from time to time receive some negative publicity. When this happened it was usually the result of the unit painting a more optimistic picture of the city's efforts to deal with racial violence than the media was prepared to accept. For example, a reporter inquired about the number of incidents that had occurred each year during the past four years. While it had been the policy of the unit not to release these figures in the past, a decision in this case was made to give them to the reporter. The next day it was reported in the front page of the daily paper that the number of racial incidents had decreased considerably over the years. This story then generated other media interest. One television station asked to do a story on this decrease and in the middle of the interview asked the C.D.U. member whether a certain incident, which had been very controversial in terms of whether it was considered racially motivated or not, had been included in the figures. The interviewer was told that although it was not classified as a community disorder, it was still thoroughly investigated (ending with arrests and convictions). The reporter concluded that the decrease in incidents was probably due to the fact that police figures did not reflect all racially motivated incidents. From this experience

and others, the unit learned that release of statistics which showed an improved racial climate in the city would tend to be questioned by a media which had a tendency to be suspect of good news.

One should never try to "win" with the media but should attempt to break even. The best approach to dealing with the media concerning an incident is to be cautious in commenting on the incident until all of the significant facts are known. Characterizing an incident as being either racially motivated or not before the facts are known can undercut the credibility of the policy.

#### Relationship with other parts of the criminal justice system

There were a number of occasions in which the unit's work was contingent on the decisions of other actors in the criminal justice system. For example the clerk/magistrate in the district court had to decide whether to issue criminal complaints or not, the District Attorney's Office had to access whether to prosecute an offender under the state civil rights act, the Attorney General had to determine whether sufficient evidence existed to seek a civil injunction, and the U.S. Attorney, through the F.B.I., had to decide whether to enter a criminal case. In most cases the C.D.U. was encouraging one of these organizations to take appropriate action on behalf of the victim.

This process was frequently one that involved considerable negotiation. Each agency attached a different priority to the issue of racially motivated crime, and this was usually a function of the constituency to which it was concerned. And although they were all part of a system, they tended to act quite independent of one another. How then was it possible for the C.D.U. to work within this arena to get the most out of the system for the victims?

To begin with, it became immediately clear that no matter how bad the working relationship between agencies might be, the last thing one agency wanted to do was to publically criticize another agency. There were numerous costs to this action and only short term benefits. While one might get immediate results in the instant case, in the future one could expect to have severely jeopardized any modicum of a working relationship. While the criminal justice system was hardly a system, a symbiotic relationship often existed between agencies which would come to depend upon each other in a variety of ways.

The more productive approach was to both privately exhort, while publically praise, the affected agency. This is to say, work behind the scenes to encourage the agency to act - either on the basis of the facts or inferring that, if the targeted agency does not act, another agency may act. Agencies tend to be turf conscious and fearful of being overshadowed by another agency. When asked publically about the response of the targeted agency it is advantageous to use this occasion to extol its virtues. If this seems a bit dishonest the answer is both yes and no. It is dishonest in that the agency may not be worthy of the praise, but on the other hand the public praise for the agency may have the consequence of forcing them to make the more enlightened decision and will publically reaffirm the unit's trust in the agency to do "the right thing." Working relationships between agencies, like the process of implementation, take negotiation and bargaining. If a serious enough case exists, and the affected agency is simply reluctant to act, the heads of the agencies should discuss the issue. The very last resort is to go public with criticism, and if one does, one should then understand



the consequence of this action in terms of the instant case as well as for the long term working relationship of the two organizations. It may be that the targeted agency is operating so poorly that public disclosure is the only way to bring about change, but this is a last and a highly undesirable action.

#### Watching the Watchers

As has been discussed, one issue which frequently came to the attention of the C.D.U. was the fact that, in the normal course of its duties, it discovered poor police performance in various incidents. Either from talking to victims or reviewing the records of the incident itself, such as the units that were sent to the address, when they arrived, and so on, there were often considerable questions raised by the actions or inactions of responding officers. Yet as officers in the unit knew only too well, the unit could not investigate both racial incidents and police officers and expect to get any kind of cooperation from district officers. The officers in the unit were vehemently opposed to an internal affairs function, and this was understandable.

At the same time the director of the unit, Green, felt compelled to do something about these problems, which in some districts involved the same officers over and over again. The key for him was to followup on these incidents without involving an officer of the C.D.U. The trade-off was essentially this: a far less serious corrective informal action, rather than a formal action (bringing an officer "up on charges") in order to get the problem corrected without jeopardizing the effectiveness of the unit or any officer in the unit.

Green, therefore, chose to speak informally with the commanding

officer (C.O.) of the district and ask for his cooperation in taking some action to address the problem and prevent it from reoccurring. For example, if a C.O. learned that several of his officers were particularly insensitive to minorities, he would place them in an assignment that reduced their contact with such groups (desk assignment, different sector, etc.), or if the C.O. learned that officers refused to get out of their car when they responded to an incident, the C.O. would have a supervisor monitor the radio calls of these officers. While these steps were less severe than officially punishing officers, Green felt it was functionally appropriate in order not to "burn" C.D.U. officers. It also allowed C.O.'s an opportunity to "save face" by not having one of their officers reprimanded. The decision to keep the role of the C.D.U. solely confined to operational issues was crucial in preserving the working relationship between district officers and the C.D.U.

The implications of this policy should be clear. A unit such as the one described in this study should never be asked to perform both an operational role and an internal affairs function. As Whisenand has noted, "If the department in general perceives a police-community relations unit as covert, that is in reality an 'internal affairs unit' searching for police misconduct, or at least investigating police misconduct coming to its attention, dysfunctional suspicion will arise."<sup>10</sup>

#### Intelligence

While most of the incidents in the past five years have been the result of individuals who are not part of official "hate-groups" such as the KKK, police organizations should be aware of their potential involvement in these crimes. In Boston there was very little monitoring of these groups, primarily because these groups have traditionally had

little following in the area. One such group, the Marshalls, did however, exist for several years in South Boston and was rumored to be involved in several acts of racially motivated crimes. The fact that its organization was made up exclusively of members from a small, tight-knit community (South Boston) made intelligence gathering very difficult.

While information on organized "hate-groups" is critical to future investigations, administrators should not confuse these groups with vocal community action groups which often complain about the police in the community. Administrators should never use members of a unit with a functional need to work with the community to monitor such groups. Confusion of these roles can lead to the perception that the unit is nothing more than a group of police spies. The implications of this are the same as for the internal affairs issue. The unit should be careful not to alienate those it has a functional need to help.

#### Morale and Institutionalizing an Idea

One significant factor that must be recognized is the enormous stress that most members of the C.D.U. felt from the work they did. Internally this pressure came from fellow officers outside the unit who often remarked that C.D.U. officers were doing "too much for the minorities and not enough for the whites." Externally, the officers were often the recipients of the frustrations of the victims who felt the police were not doing enough.

These concerns were amplified by officers of the C.D.U. feeling that being in the Community Disorders Unit resulted in enormous stress for a job that had a transitory nature to it with no clear career paths. The unit was neither in the patrol nor detective bureau, and the officers therefore felt vulnerable and exposed. There was a sense of "Someday the

unit will be broken-up and I'll be back to patrol and be ostracized because of my work in the Commssioner's Office."

These issues had to be dealt with, or the unit's morale would slowly deteriorate. The unit had to be perceived seriously within the department, and the officers had to see their involvement as being professionally advantageous. This was accomplished through the director bargaining with the Police Commissioner to have C.D.U. officers promoted to the rank of detective. In the police organization being "rated" a detective is equivalent to receiving one's college degree. It is prestigious and can never be taken away except for cause. From a career point of view it means that officers would never have to work in uniform again. The Police Commissioner agreed and gradually promoted each officer in the C.D.U. to detective.

The granting of the detective rating not only had an enormous positive effect on the officer's sense of well being in the unit, it also sent out the important message throughout the department that entry into the Community Disorders Unit was a meaningful career path within the department. In addition to the rating of detective, two officers from the unit were later promoted to the rank of Sergeant, one to lieutenant, and one to Deputy Superintendent. The C.D.U. had gone from a fledgling unit to one where advancement was not only possible but probable.

The policy implications here are significant. If a new policy is to be properly implemented, then the actors directly involved in the process must be rewarded in meaningful ways. Institutionalization of a policy is accomplished more readily by the integration of traditional incentives and rewards into the experimental program.

Unintended Consequences

Robert Merton's classic work on the unintended consequences of purposeful action is an interesting insight into the study of organizations.<sup>11</sup> Let us use this analysis to examine what unintended consequences may have resulted from the implementation of the community disorders policy.

In an effort to improve the working relationship between district officers and the C.D.U. as well as underscore the elevation of "normal" crimes to community disorders, a number of one day training seminars were held. While these seminars were aimed at sensitizing officers to the plight of the victims, they often turned into heated occasions where officers asked why the C.D.U. was not doing more for white victims of racial violence. In addition, when a discussion was held on the application of the civil rights law, many officers were more concerned with how the law could be used against them than its application in racially motivated crimes. The unintended consequence of some of these training programs may have been to make police officers less sympathetic to victims than before, believing that they were now getting "special treatment."

There were several cases in which well meaning actions of certain actors resulted in unintended results. In one case the night supervisor of the C.D.U. was able to identify several young white juveniles who were responsible for vandalizing a black neighbor's home. The C.D.U. talked to both families, and since they lived next to one another, and the youths were very young, it was the decision of the C.D.U. with the victim's consent to get the family of the offenders to agree to apologize to the black family and offer to paint the side of the house that was vandalized. This was seen as a way in which both families would be able to avoid an

antagonistic court proceeding which would result in bitter feelings between neighbors. Sergeant Williams was instrumental in working out the agreement which was monitored and reviewed by the court. However, several weeks later the victims reneged on the agreement and asked that their entire house be painted. This infuriated the white family and resulted in more antagonistic feelings between the families than perhaps would have resulted from the court proceedings.

In another case the C.D.U. was able to piece together a very complicated case involving an assault by getting a fringe participant to cooperate with the police. Because of his cooperation and the fact that this was his first offense and the incident was of a relatively minor nature, the offender was told that while he would be charged with a crime, his assistance would be brought to the attention of the court. He understood this and genuinely felt bad about his actions. However, an attorney from an organization similar to the Lawyers' Committee representing one of the victims felt that more serious charges should be brought against him and requested additional complaints against the youth. The youth and his friends felt that the police had betrayed him and "set him up" by using the attorney. He and his friends were bitter, and his remorse about the crime abruptly ended. That weekend fourteen cars owned by black citizens who lived in that neighborhood were vandalized. The C.D.U. could not prove that he or his friends were responsible but the "word from the street" indicated that it was in retaliation for what the youths perceived to be the breaking of an agreement. The fervor of the private attorney resulted in more tension in the area rather than less.

But the most interesting question to ask about the implementation of the policy is whether, by labeling crimes "community disorders," the

police department may have inadvertently increased racial tensions in the city rather than reduced them. By institutionalizing this problem, did it indicate that the city was racist and therefore people would be more prone to act racist? This does not follow any more than the creation of a rape unit or a homicide unit makes people commit rapes or murders. While the social deviance perspective might lead one to believe that the redefinition of "normal" crimes to community disorders and the concomitant increase in rule enforcement generated a new class of offenders, one must still recognize the functional aspects of uncovering a hidden group of victims.

#### Deception

Like unintended consequences of purposeful social action, planners should be alert to how policy can sometimes be used for dysfunctional purposes. Deception was observed by actors who used community disorders to either mask another type of crime or to fabricate actual events in order to increase conflict. In the first case a group of whites had gone into an area composed primarily of blacks to buy drugs when they were "ripped off." They then tried to cover the drug transaction by telling the police that it was a racial incident. In a second example, a white woman was driving through a black neighborhood when a rock was thrown through her window, and her pocketbook was taken. When the police investigated this as a "normal" crime and not a racial incident rumors began to be spread that the woman was sexually molested and called racial names, in an effort to show that the police were insensitive to racially motivated crimes against whites.

One should always be alert for events which are setup in such a way as to make it appear as though another group is responsible for the acts.

For example, a group of Jewish intellectuals who were members of a liberal organization that advocated a more balanced Mideast policy received Christmas cards signed by the National Socialist League with the inscription "Remember Auschwitz Jew." Upon further investigation and in discussion with the victims themselves, it was generally felt that a Jewish conservative organization was responsible for the letters. It would appear that this organization sought to frighten the Jewish victims and get them to renounce their liberal views.

On the other hand there are racially motivated incidents which may be camouflaged by the fact that the incident occurs between members of the same race. For example, there was the case of the white man who was assaulted by a group of whites after it was learned that he was a worker for a black political candidate. Or there were those instances in which a new black family in a neighborhood of mostly whites was taunted and called racial slurs by "assimilated" blacks already living in the development.

The planner must always be aware that things are not always as they may appear to be. And in some cases this may require taking a second look at what various actors stand to gain or lose before making a final determination of the motive of an incident.

### Conclusion

When we began this study we saw racial violence in Boston as a problem which was both widespread and compelling. In some communities the level of violence was acutely apparent, while in others it was hidden



amongst the myriad of "normal" crimes. The conspiratorial nature and systematic pattern of racially motivated crime was largely unrecognized by the agents of social control.

The intervention of moral entrepreneurs was a crucial turning point in providing the initiative needed to encourage the agents of social control to develop an organizational response to the problem. The establishment of the Community Disorders Unit was a unique police model, which recognized that traditional forms of policing were ineffective in dealing with this problem. The new model combined the sensitivity of community relations programs with an operational capability of investigation and prevention. And beyond this model, which drew upon the strengths of both the "soft" and "hard" approaches to law enforcement, was the redefinition of certain "normal" crimes into a new category which upgraded their priority within the department. This new definition and the concomitant allocation of new rule enforcers in this area had the functional effect of uncovering a class of victims which had previously remained hidden.

The C.D.U. went beyond this law enforcement role and actually became moral entrepreneurs in their own right by actively seeking passage of new laws as well as applying pressure to various parts of the criminal justice system. This role of the C.D.U. as rule enforcer and moral entrepreneur came to be well regarded in certain segments of the community but was somewhat resented within the police organization.

It is difficult to assess precisely how much of an impact the C.D.U. may have had on the overall level of racial violence in the city; however, it is very clear that a measurable decrease in the level of racial violence was experienced in those communities in which the C.D.U. and the department concentrated its resources over an extended period of time.

The saturation of law enforcement energies in those communities where patterns of racial violence had been established had the net effect of increasing the perception of the threat of apprehension and the consequences of engaging in such acts. The observation of citizens in these neighborhoods and the police was that the level of tension and racial violence had decreased considerably because of these efforts.

It should be clear that two factors were largely responsible for the success of both the implementation of the unit and the effectiveness of the day-to-day work of the unit. The first factor was the consistent support that the unit received from the organization's chief administrator (the Police Commissioner). It is clear that, without his active encouragement and protection, the unit would have quickly disappeared in a not always friendly environment. And secondly, the effectiveness of the unit must be attributed to the quality of both the officers that were in the unit and their degree of compassion for the problem.

And finally, while it appears that significant progress has been made in this area, organizations should recognize that this problem, like many other crime problems, requires eternal vigilance if it is to be controlled.

#### Future Research

It is hoped that this thesis has helped to shed light on a difficult problem for the agents of social control. At the same time, a number of research questions are raised by this study. One of the most compelling is why various actors commit racial violence in the first place? Is there anything unique about their life experiences, family background, educational level, peer group, economic status or attitudes which make

them different from "normal crime" offenders? And if there are differences, what are the implications for public policy? A final question might be whether the innovative program advanced in this thesis might have applicability to other areas such as domestic violence and child abuse.

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8. "A Survey of the Police Department, Boston Massachusetts" International Chiefs of Police - Field Services Division, 1962 (The Quinn Tamm Report).
9. Porter et al v. City of Boston, U.S. District Court, District of Massachusetts, Civil Action No. 78-3090-MC Complaint for Injunctive Relief and Damages, 1980, p. 12.
10. "Legal Beginnings of Boston Housing Suit," Boston Globe, September 10, 1978.
11. "Hub Files U.S. Suit in Race Case - Injunction Asked to Protect Minorities," Boston Globe, August 25, 1978.
12. "U.S. Role Possible in Racial Incidents," Boston Globe, July 25, 1978.
13. To this day it is still unclear why no indictments were returned in the federal case. One possible explanation espoused by several knowledgeable sources is a reluctance by juries to indict in cases which involve juveniles or young women. This case involved both.

Notes

Chapter IV  
Reactive Strategies

1. Albert J. Reiss, The Police and the Public (New Haven: Yale University Press, 1971), p. 64.
2. Massachusetts Civil Rights Statute - Section 801 Chapter 265, section 37. The penalty for violation of the statute is a fine of not more than one thousand dollars or by imprisonment for not more than one year or both; and if bodily injury results, punishment by a fine of not more than ten thousand dollars or by imprisonment for not more than ten years, or both.

Chapter V  
Proactive Strategies

1. Albert J. Reiss, p. 64.
2. "Report from Hyde Park: "Law and Disorder on a Racial Frontier," Boston Phoenix, 9-28-82, p. 22.
3. For example, one evening a decoy operation was set up by the Boston anti-crime unit which involved one officer who appeared to be sick, leaning against a pole, with his wallet protruding from his pants pocket. The decoy was backed up by three plainclothes officers. If he was robbed he would place his hands on his head. After a few minutes two young "street looking" youths, slowed down, appeared to say something to the decoy and then continued on. A few minutes later an older white disheveled man stopped, appeared to touch the wallet, and then moved on. Finally two youths, one wearing an "Ohio State" jacket walked by the decoy. Suddenly, the decoy's hands shot up signaling he had been robbed. The student from Ohio State had taken the wallet and were immediately pursued by the plainclothes back-up officers who placed the two in handcuffs and brought them back to the car. The decoy later said that the two "street looking" youths had told him to "put the wallet in your pocket 'copper', and the disheveled man had tried to warn the decoy about the "bad area" he was in and that he should be careful. The officers learned that the two were in fact students from Ohio State who were in Boston for the weekend and on impulse had decided to take the wallet. For several minutes the police hesitated over whether to arrest them, however, finally a decision was made and a police wagon came and took them to the station for booking. The next day in court the young man told the judge he feared the arrest would ruin his chance to become a lawyer. His case, like many others, was "continued without a finding."

Chapter VI  
A Legalistic Approach

1. "Report from Hyde Park: Law and Disorder on a Racial Frontier," Boston Phoenix, September 28, 1982.
2. "Report from Hyde Park," September 28, 1982.
3. "Report from Hyde Park," September 28, 1982.
4. "Report from Hyde Park," September 28, 1982.
5. Civil Rights Act - 1979 Mass Acts 801, Mass General Law An, Chapter 12, sect 11H, 11I, Chapter 265 sec. 37.
6. For an interesting discussion of the use of race as a protected right under the state Civil Rights Law see "Rights Protected by the Massachusetts Civil Rights Act Against Interference on Account of Race or Color," by Anthony Sager, Suffolk University Law Review, 1 (Spring 1983), pp. 53-78.
7. Comm. v. Gilligan, et al, Superior Court, Dept of Trial Court, C.A. No 55930, Trial Memorandum, p. 5.
8. "Report from Hyde Park," September 28, 1982.
9. Comm. v. Gilligan, p. 6.
10. Comm. v. Gilligan. p. 15.
11. Comm. v. Gilligan et al. Superior Court, C.A. no 55930 Consent Judgment, August 19, 1982.
12. "Report from Hyde Park," September 28, 1982.
13. "Report from Hyde Park," September 28, 1982.
14. Commonwealth v. Gaine, Superior Court, C.A. No. 55930, Complaint for Contempt, August 24, 1982, pp. 7-8.

Chapter VII  
Coordinating the Department's Role

1. S. Kay Gibbs, "Public Housing Desegregation: A Reasonable Burden on the Poor?" Debate and Understanding, (Summer 1983), 21.
2. "South Boston Information Center," South Boston Tribune, November 22, 1978.
3. U.S. Commission on Civil Rights, Desegregating the Boston Public Schools: A Crisis in Civic Responsibility (Washington, D.C: U.S. Govt. Printing Office, 1975).
4. The Massachusetts Civil Rights Act closely models the federal law which has often been used against police officers in wrongful death suits. (18 USCS 242, Deprivation of Rights Under Color of Law, U.S. Code, p. 330).
5. "Massachusetts' own Civil Rights Law," Editorial, Boston Globe, November 7, 1979, p. 26.
6. "The New Racism," Boston Magazine, December 1983, pp. 181-257; and "Is Ignorance Bliss?" Harvard Crimson, September 26, 1983, p. 2.
7. "The New Racism," Boston Magazine, December 1983, pp. 181-257.
8. "In Brooklyn Little Succor for Victims of Asia," New York Times, March 21, 1983, sec. B, p. 4.

Chapter VIII  
Extent and Nature of Racial Violence

1. Boston Neighborhood Development and Employment Agency, Minority Housing in Boston: Problems, Program Performance and New Initiatives (Boston, MA: NDEA, 1982), Table Two.
2. Center for Survey Research, University of Massachusetts, Study of Boston's Neighborhood-Boston Household Survey, (Boston, MA: Univ. of Massachusetts, 1980).
3. In 1979 there were four officers in the unit compared to eleven officers in 1983, as well as the director.
4. Herbert L. Packer, "Two Models of the Criminal Process," University of Pennsylvania Law Review, 113 (November 1964), pp. 1-68.
5. Johannes Andenaes, "The General Preventive Effects of Punishment," The Criminal in the Arms of the Law, ed Leon Radzinowicz and Marvin Wolfgang (NY: Basic Books, 1971), pp. 74-75.
6. Johannes Andenaes, p. 75.
7. Jeremy Bentham, "Principles of Penal Law" in Works (1843), p. 396.
8. Cesare Beccaria, On Crimes and Punishment (1764).
9. Franklin E. Zimring and Gordon J. Hawkins, Deterrence - The Legal Threat in Crime Control (Chicago: University of Chicago Press, 1973), p. 91.
10. Singer, "Psychological Studies of Punishment," California Law Review, 58 (1970), pp. 436-436.
11. C.R. Jeffrey, "Criminal Behavior and Learning Theory," Journal of Criminal Law Criminology and Police Science, (1965), pp. 299-300.
12. Johannes Andenaes, p. 78.
13. Franklin E. Zimring and Gordon J. Hawkins, p. 252.
14. Franklin E. Zimring and Gordon J. Hawkins, p. 252.
15. David Matza, Delinquency and Draft (New York: Wiley, 1964), p. 188.
16. Franklin Z. Zimring and Gordon J. Hawkins, p. 251.
17. David Matza, p. 186.



Chapter IX  
The Role of Police as Moral Entrepreneurs

1. Edwin Schur, Labeling Deviant Behavior (NY: Harper and Row, 1971), p. 3.
2. Edwin Schur, p. 8.
3. Howard S. Becker, Outsiders (NY: The Free Press, 1963), p. 9.
4. Howard S. Becker, p. 17.
5. Kai Erikson, "Notes on the Sociology of Deviance," Social Problems, 9 (Spring, 1962), p. 308.
6. Edwin Schur, p. 2
7. Edwin Schur, p. 167.
8. Howard S. Becker, p. 17.
9. Talcott Parsons, The Social System (NY: The Free Press, 1951), p. 12.
10. Howard S. Becker, p. 147.
11. Howard S. Becker, p. 149.
12. Howard S. Becker, p. 153.
13. Robert Sherman, "Project to Combat Racial Violence of the Lawyers' Committee for Civil Rights Under Law of the Boston Bar Association," Debate and Understanding (Summer, 1983), p. 107.
14. Special Order of the Boston Police Department, Number 78-28, issued April 7, 1978.
15. Earl Rubington and Martin Weinburg, Deviance: The Interactionist Perspective (NY: MacMillian Company, 1968), p. 57.

Chapter X  
Other Cities

1. Anti-Defamation League of B'nai B'rith-Mid-Atlantic Regional Office, "Regional Response," November 15, 1981, p. 17.
2. U.S. Commission on Civil Rights, Intimidation and Violence Racial and Religious Bigotry in America (Washington, DC: Govt. Printing Office, 1983), p. 24.
3. Anti-Defamation League, 1981 Audit of Anti-Semitic Incidents (NY: ADL, 1981).
4. U.S. Commission on Civil Rights, p. 6.
5. U.S. Commission on Civil Rights, p. 6.
6. Governor's Task Force on Civil Rights, Report and Recommendations of the California Fair Employment and Housing Commission: Public Hearings on Racial, Ethnic and Religious Conflict in Contra Cosa County (Sacramento, CA: State of California, 1982), p. 4.
7. Twenty major police departments in the country were queried in a formal correspondence requesting information on any policy that the department may have concerning "racial or ethnically motivated violence." Responses were received from approximately half of the cities. In addition, several smaller cities were selected because it was learned that they had developed specific policies in this area.
8. U.S. Executive Office, Weekly Compilation of Presidential Documents (Washington, DC: Government Printing Office, May 10, 1982), p. 699.
9. Anti-Defamation League of B'nai B'rith, Hate Groups in America: A Record of Bigotry and Violence, (NY: ADL, 1982), p. 6.
10. Anti-Defamation League, Hate Groups, p. 6.
11. U.S. Commission on Civil Rights, p. 2.
12. Anti-Defamation League, Hate Groups, p. 7.
13. Anti-Defamation League, Hate Groups, p. 7.
14. Anti-Defamation League, Hate Groups, p. 7.

15. Anti-Defamation League, Hate Groups, p. 7.
16. "Girl Assaulted," The Baltimore Sun, May 1982, p. 1.
17. Office of the District Attorney Nassau County, (New York) "Prejudice is No Prank" (brochure distributed in 1982).
18. "The Hate Squad," NY Daily News, February 27, 1983.
19. "Passaic Considers Instruction on Racial Violence," The Sunday Star-Ledger (W. Orange, NJ), December 12, 1982, p. 66.
20. Governor's Task Force on Civil Rights, p. 5.
21. "Asian-Americans See Growing Bias," New York Times, September 10, 1983, p. 1.
22. "Cambodian Families Flee Brooklyn," New York Times, March 18, 1983, p. 1.
23. West Orange, (N.J.) Police Department memorandum on establishment of the B.I.I.U., November 16, 1981.
24. West Orange Police Department informational brochure on the B.I.I.U.
25. NYPD, Interim Order 49, issued December 31, 1980.
26. "The Hate Squad," N.Y. Daily News, 2-27-83.
27. NJSAW 2c: 33-10, Fear of Bodily Violence (Attempt).
28. NJSAW 2c: 23-11, Damage to Property; Threat of Violence.
29. NY laws, Chapter 240 section 309; Aggravated Harassment in the Second Degree (1982).
30. NY laws, Chapter 240, section 31, Penal laws 2-26 (1982).
31. "Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982," Washington, D.C. City Council Act 4-287 (1982).
32. General Laws of Rhode Island, amended Section 1, Chapter 11-42, entitled "Threats and Extortion," section 11-42-3, "Ethnic or Religious Intimidation."
33. "Anti-Hate Violence Fund," an emergency act of the Montgomery County Council, Bill no. 44-82 (1982).

34. Maryland Laws, Article 88B, section 9 and 10, (1982).
35. Lincoln Steffens, Autobiography (NY: Harcourt, Brace and World, 1931), pp. 209-210.

Chapter XI  
Dilemmas, and Policy Implications and Conclusions

1. Eugene Bardach, The Implementation Game: What Happens After a Bill Becomes a Law (Cambridge: MIT Press, 1977).
2. Jeffrey L. Pressman and Adam Wildavsky, Implementation (Berkeley: University of California Press, 1979), p. 21.
3. Eugene Bardach, p. 55.
4. Egon Bittner, The Functions of the Police in Modern Society (Chevy Chase, Md: National Institute of Mental Health, 1970), p. 59.
5. James Q. Wilson, "The Bureaucracy Problem, "Public Interest, (Winter, 1967), pp. 3-9.
6. Anthony Downs, Inside Bureacracy (Boston: Little Brown, 1967), p. 134.
7. Eugene Bardach, p. 116.
8. Denis Palumbo and Marvin Harder, ed., Implementing Public Policy (Lexington, MA: Lexington Books, 1981).
9. Suzann Barrett and Colin Fudge, ed., Policy and Action: Essays on the Implementation of Public Policy (New York: Methuen, 1981).
10. Paul M. Whisenand and R. Fred Ferguson, The Managing of Police Organizations (Englewood Cliffs, NJ: Prentice-Hall, 1978), p. 511.
11. Robert Merton, Social Theory and Social Structure (Glencoe, Ill: Free Press, 1957).

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Table I  
CDU Incidents by District  
1979-1983

<u>District</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>Total</u>
1 (Downtown)	5	4	7	10	4	30
2 (Roxbury)	35	32	26	19	10	122
3 (Mattapan)	74	35	19	29	5	162
4 (Back Bay)	7	11	2	4	9	33
5 (Hyde Park)	167	74	75	65	60	441
6 (S. Boston)	36	24	12	11	7	90
7 (E. Boston)	24	17	17	8	4	70
11 (Dorchester)	105	100	56	71	60	392
13 (Jam. Plain)	30	27	9	16	7	89
14 (Brighton)	31	41	4	3	6	85
15 (Charlestown)	19	12	11	5	6	53
<b>TOTAL</b>	<b>533</b>	<b>377</b>	<b>238</b>	<b>241</b>	<b>178</b>	<b>1567</b>

Source for Tables I-XIII:  
Boston Police Department  
Community Disorders Unit

Table II  
Victims\* of Racial Violence  
1979-1983

<u>YEAR</u>	<u>BLACK</u>	<u>WHITE</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>OTHER</u>	<u>TOTAL</u>
1979	330(55%)	195(33%)	27(4%)	0(0%)	42(7%)	594
1980	157(40%)	176(45%)	27(7%)	1(2%)	30(8%)	391
1981	92(38%)	113(47%)	15(6%)	4(2%)	18(7%)	242
1982	91(35%)	117(46%)	16(6%)	13(5%)	19(7%)	256
1983	82(44%)	56(30%)	9(5%)	33(18%)	5(3%)	185
<hr/>						
TOTAL	752(45%)	657(39%)	94(6%)	51(3%)	114(7%)	1668

\*One Victim is counted for each incident

Table III

Total Number of Incidents\* Per Crime  
1979-1983

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>Total</u>
Arson and Att. Arson	6	16	3	7	6	38
Assault and Battery (A&B)	59	47	33	37	23	199
Assault and Battery with a Dangerous Weapon (A&B 'D/W)	163	85	75	56	41	420
Vandalism	64	54	37	62	48	265
Stoning Home	99	54	25	11	6	185
Stoning of a Motor Vehicle (MV)	74	85	40	25	13	237
Threats/ Harassment	37	19	11	18	10	95
Other Crimes	87	16	21	18	13	155
<hr/>						
TOTAL	579	376	245	234	160	1594

\* Some incidents have been discounted as they are irrelevant to this table.

Table IV  
Victims\* of Racial Violence  
1979

	<u>BLACK</u>	<u>WHITE</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>OTHER</u>	<u>TOTAL</u>
Arson and Attempted Arson	5	1	0	0	2	8
A&B	34	22	3	0	0	59
A&B D/W	87	74	8	0	1	170
Vandalism	40	16	3	0	4	63
Stoning Home	63	16	6	0	3	88
Stoning MV	40	27	0	0	8	75
Threats/ Harassment	20	13	2	0	2	37
Other Crimes	41	26	5	0	22	94
<b>TOTAL</b>	<b>330</b>	<b>195</b>	<b>27</b>	<b>0</b>	<b>42</b>	<b>594</b>

\* One victim is counted for each incident

Table V  
Victims\* of Racial Violence  
1980

	<u>BLACK</u>	<u>WHITE</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>OTHER</u>	<u>TOTAL</u>
Arson and Attempted Arson	9	4	1	0	1	15
A&B	24	19	4	0	1	48
A&B D/W	40	40	5	0	0	85
Vandalism	21	20	6	0	6	54
Stoning Home	31	12	8	0	1	52
Stoning MV	11	63	2	0	11	87
Threat/ Harassment	10	9	0	0	0	19
Cross Burning	0	0	0	0	1	1
Other Crimes	11	9	1	0	9	30
<b>TOTAL</b>	<b>157</b>	<b>176</b>	<b>27</b>	<b>1</b>	<b>30</b>	<b>391</b>

\* One victim is counted for each incident

Table VI  
Victims\* of Racial Violence  
1981

	<u>BLACK</u>	<u>WHITE</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>OTHER</u>	<u>TOTAL</u>
Arson and Attempted Arson	2	0	1	0	0	3
A&B	17	11	1	0	2	31
A&B D/W	34	35	4	0	1	74
Vandalism	19	11	3	3	5	41
Stoning Home	12	13	0	1	1	27
Stoning MV	0	33	0	0	2	35
Threats/ Harassment	4	4	2	0	1	11
Other Crimes	4	6	4	0	6	20
<hr/>						
TOTAL	92	113	15	4	18	242

\* One victim is counted for each incident

Table VII  
Victims\* of Racial Violence  
1982

	<u>BLACK</u>	<u>WHITE</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>OTHER</u>	<u>TOTAL</u>
Arson and Attempted Arson	3	3	3	0	3	9
A&B	18	15	1	2	0	36
A&B D/W	18	29	4	4	1	56
Vandalism	25	23	5	4	5	62
Stoning Home	6	4	0	0	4	14
Stoning MV	3	16	1	0	3	23
Threats/ Harassment	7	6	1	0	1	15
Other Crimes	11	21	1	3	5	41
<b>TOTAL</b>	<b>91</b>	<b>117</b>	<b>16</b>	<b>13</b>	<b>19</b>	<b>256</b>

\* One victim is counted for each incident



Table VIII  
Victims\* of Racial Violence  
1983

	<u>BLACK</u>	<u>WHITE</u>	<u>HISPANIC</u>	<u>ASIAN</u>	<u>OTHER</u>	<u>TOTAL</u>
Arson and Attempted Arson	2	2	0	2	0	6
A&B	9	6	1	6	0	22
A&B D/W	21	13	3	3	1	41
Vandalism	31	14	1	17	2	65
Stoning Home	2	1	1	1	0	5
Stoning MV	1	4	0	0	0	5
Threats/ Harrasment	4	1	2	1	0	8
Other Crimes	11	15	1	3	2	32
Service Other	1	0	0	0	0	1
<b>TOTAL</b>	<b>82</b>	<b>56</b>	<b>9</b>	<b>33</b>	<b>5</b>	<b>185</b>

\* One victim is counted for each incident

Table IX  
CDU Incidents by Season\*  
1979

	<u>FALL</u>	<u>SPRING</u>	<u>WINTER</u>	<u>SUMMER</u>	<u>TOTAL</u>
Arson and Attempted Arson	1	3	1	1	6
A&B	22	17	9	11	59
A&B D/W	52	42	16	53	163
Vandalism	23	18	7	16	64
Stoning Home	25	22	24	18	89
Stoning MV	33	18	8	14	73
Threats/ Harassment	19	7	4	7	37
Other Crimes	30	22	16	19	87
<hr/>					
TOTAL	205	149	85	139	578

\* Season:

Fall = October, November, December

Spring = April, May, June

Winter = January, February, March

Summer = July, August, September

Table X  
CDU Incidents by Season  
1980

	<u>FALL</u>	<u>SPRING</u>	<u>WINTER</u>	<u>SUMMER</u>	<u>TOTAL</u>
Arson and Attempted Arson	3	7	1	5	16
A&B	9	17	8	13	47
A&B D/W	12	18	12	43	85
Vandalism	7	17	19	11	54
Stoning Home	6	14	20	14	54
Stoning MV	7	8	4	66	85
Threats/ Harassment	2	9	4	4	19
Cross Buring	1	0	0	0	1
Other Crimes	2	2	2	9	15
<hr/>					
TOTAL	49	92	70	165	375

Table XI  
CDU Incidents by Season  
1981

	<u>FALL</u>	<u>SPRING</u>	<u>WINTER</u>	<u>SUMMER</u>	<u>TOTAL</u>
Arson and Attempted Arson	0	2	1	0	3
A&B	2	17	9	5	33
A&B D/W	10	25	18	22	75
Vandalism	8	12	6	11	37
Stoning Home	7	8	6	4	25
Stoning MV	10	7	3	20	40
Threats/ Harassment	5	1	2	3	11
Other Crimes	2	9	5	5	21
<b>TOTAL</b>	<b>44</b>	<b>81</b>	<b>50</b>	<b>70</b>	<b>245</b>

Table XII  
CDU Incidents by Season  
1982

	<u>FALL</u>	<u>SPRING</u>	<u>WINTER</u>	<u>SUMMER</u>	<u>TOTAL</u>
Arson and Attempted Arson	0	4	1	2	7
A&B	8	11	6	12	37
A&B D/W	18	14	11	13	56
Vandalism	11	11	10	30	62
Stoning Home	0	5	1	5	11
Stoning MV	1	14	2	8	25
Threats/ Harassment	2	5	4	7	18
Other Crimes	5	8	1	4	18
<hr/>					
TOTAL	45	72	36	81	234

Table XIII  
CDU Incidents by Season  
1983

	<u>FALL</u>	<u>SPRING</u>	<u>WINTER</u>	<u>SUMMER</u>	<u>TOTAL</u>
Arson and Attempted Arson	1	0	2	3	6
A&B	2	5	10	6	23
A&B D/W	8	17	7	9	41
Vandalism	28	1	4	15	48
Stoning Home	3	2	1	0	6
Stoning MV	5	4	3	1	13
Threats/ Harassment	2	4	1	3	10
Other Crimes	2	5	3	3	13
<hr/>					
TOTAL	51	38	40	31	160

Table XIV

Comparative Crimes Rates for the Years 1979-1983  
for the City of Boston

	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Murder	92	92	100	93	90
Rape	464	484	531	366	367
Robbery	6,600	7,526	9,248	7,217	6,713
Assault*	4,236	4,376	4,192	3,980	4,195
Assault**	3,356	3,542	3,310	3,152	3,479
Burglary	15,662	17,032	16,694	14,286	11,471
Larceny	23,121	25,225	27,137	26,393	26,419
Vehicle Theft	20,056	21,242	21,741	21,704	18,407
Arsen	824	536	166	176	192
Vandalism	11,882	13,420	12,086	11,078	10,325
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TOTAL	86,293	93,474	95,205	88,445	81,298

Source: Boston Police Department's Crime Analysis Section

\* Simple Assaults

\*\* Aggravated Assaults

APPENDIX

A few thoughts on the research methodology may be useful to future social scientists. In looking back on the pre-C.D.U. period in Boston in the mid-seventies, the writer was troubled by the dearth of data on "everyday" forms of racial violence. While sensational forms of racial violence often appeared in the media, the low level nature of racial crime such as vandalism, assaults, threats, and racial graffiti often did not. While some of these incidents were reported to the police, they were not classified as racially motivated and therefore were lost amongst the myriad of "normal" crimes. A valuable and useful source for this information came from two primary sources: the court cases of key civil suits filed by attorneys on behalf of various plaintiffs, as well as accounts of incidents in community newspapers. The court cases contained detailed accounts of victims recollections of this everyday form of racial violence. At a period of time in which there was little formal documentation within the police department of racially motivated incidents, this information proved to be invaluable. In addition, neighborhood newspapers often reported on local incidents which were not extensively covered in either of the city's two major daily newspapers.

Being a participant observer, the writer experienced many of the dilemmas that so often characterizes this research strategy. As Van Maanen and others have noted, one can easily "cross over the line" and be seduced by the environment one works in without even knowing it. For this writer the problem was often complicated by the fact that he came to



become more of a participant than an observer. And in the later years of the study he was often in a position to chart the course of the action, and consequently influence the department policy.

Being a civilian set him apart from the subculture of policing, and he was, therefore, somewhat separated from the members of the unit. This distancing had the effect of enabling him to resolve a personal dilemma which was reconciling his compassion for the officers in the unit with an obligation to stand back and view its work in more objective terms and within a larger context. It was this very distance, created in part by the subculture of which he was not a member, and in part by his more activist role, which allowed him to be both a part of and apart from the organization in which he worked. The writer has always been struck by a passage written by Erving Goffman (1961):

Our sense of being a person can come from being drawn into a wider social unit; our sense of selfhood can arise through the little ways in which we resist the pull. Our status is backed by the solid buildings of the world, while our sense of personal identity often resides in the cracks.