

STATE UNIVERSITY OF NEW YORK AT BUFFALO

PCR
SCHOOL OF LAW

77 WEST EAGLE STREET
BUFFALO, NEW YORK 14202

February 17, 1968

Paul Bower, Esq.
National Advisory Commission
on Civil Disorders
1016 16th Street, N.W.
Washington, D. C.

Dear Paul:

Enclosed herewith are some comments on Chapter 11, The Police and the Community; in some cases, I will suggest different language, as you requested.

Before turning to the specific comments, a few general reactions:

1. First, the Chapter does not press the panic button hard enough. Data in the Commission files indicate that police-community hostility may well be the most dangerous factor in today's explosive urban crisis. Partly this has resulted from police conduct during the riots last year, and in some places, a hardening of police and ghetto attitudes toward each other in the aftermath of the riots; partly, this has resulted from Negro fear of the white community's endorsement of repressive tactics against Negro rioters and year-round offenders.

In this respect, the Commission will miss a unique opportunity -- indeed, an obligation -- to educate the white community to the fact that those problems of the ghetto which result in high crime rates and civil disorders are worsened, not ameliorated, by "get-tough" policies. The sources of riots and crime lie deep in the social and political problems of our time, and it is wrong to look to police repression -- or even to any police conduct -- as our main remedial and preventive method. In short, as indicated in the few pages I sent to you earlier, crime and disorder cannot be significantly reduced by a "war on crime". If taken seriously, the military metaphor will indeed produce a war, with the police as the occupying army, and ghetto residents as guerillas.

The Commission should therefore come out strongly for a sophisticated awareness that no police force, even an ideal one, can eliminate crime, and most of our departments are far from ideal. Police can certainly help -- police presence can deter some crime, and effective police work can catch some criminals. But crime and disorder are a function of causes too deep in the social and political ills of our time to be purged by aggressive patrol, more anti-riot equipment or even more and better trained police. Crime is a social problem which must be dealt with by social measures and our community has woefully defaulted in recognizing this.

2. A somewhat different criticism goes to approach: the draft chapter speaks in generalities and abstractions and relies heavily on Crime Commission studies and recommendations. Why are there so few concrete examples and studies from the Riot Commission's own files? The closest one gets to this is quotations from Riot Commission hearings, and a few references to Detroit and Newark, but why so few specific, factual examples, findings, etc. from riot cities? (Was it because the Commission staff was discharged before this could be obtained? If so, why were they discharged?) It seems to me that this was another of the unique opportunities of the Commission -- to come up with specific fact findings of what happened between the police and the ghetto in Detroit, Newark, Dayton, Atlanta, New Haven, etc., before the riots. Such an analysis would seem particularly appropriate in view of the draft's opening statement that police-community tensions were one of the primary causes. Perhaps this is elaborated elsewhere, and if so, I withdraw my criticism. But I think more is called for in this section.

And now to more specific comments.

1. Introduction

The first "specific" criticism relates primarily to the tone of the Introduction. The discussion in the various sections points up the numerous shortcomings of current police practices and attitudes. The Introduction however gives no hint of this. Thus, the Introduction never says that police misconduct is real and

dangerous. Indeed, its frequent reference (pp. 1, 2, 4) to the policeman as symbol, glosses over the fact that the policeman is more than a symbol -- he is an active agent of repression in his own right. It is not only that the Negro sees the policeman as the symbol of repressive laws, for example -- the policeman independently abuses the Negro in his execution of even the most impartial and nondiscriminating law. The symbolic aspects of "get your black ass out of here, boy," or a night stick in the ribs, or an unjustified shakedown or wall frisk, seem decidedly secondary to the very tangible psychological and physical insult. This is not to deny the symbolic aspect, but only to point up the existence of very tangible abuses, which the Chapter later touches on but which the Introduction ignores.

2. Moreover, as a repressive force, the policeman is probably fulfilling the wishes of the dominant white majority, particularly some of its more prejudiced ethnic or other components, of which he may himself be a member. Perhaps the Commission doesn't feel it can say this, but the policemen -- particularly from certain ethnic backgrounds like the Italians in Newark -- are really implementing the repressive and prejudiced attitudes of the dominant white majority. Some commentators have noted that the police have always served as the repressive agents of a frightened majority, and there is no reason to think we are witnessing anything different today. The Negro minority almost certainly sees it this way.

Should the Commission say this? Can it? Perhaps not, politically. But if not, it will have failed to make our people realize what is really involved.

3. Pp. 2-3 - A minor point

I think the draft doesn't clearly make the point that because the internal restraints created by these other institutions of social control have been so weakened, the policeman is saddled with the consequences. It is not that he has to replace these agencies in providing internal controls, which is what the word "fill" in "fill this institutional vacuum" connotes to me. It is rather that he has to prevent the crime or catch the criminals that this breakdown produces.

✓ Perhaps my reading is too literal, but I would prefer something like "it is the policeman who must deal with the increased anti-social conduct which results from this institutional vacuum and is then resented for the presence and the measures this effort demands." (new matter underlined).

4. Pp. 7-8

Again, the introductory matter sets a tone of "it's not really the fault of the police at all" which immediately puts me off. It came as something of a surprise that the next two sections on police misconduct charge the police with a good deal of misconduct.

5. Moreover, nowhere in the Chapter do I find a reference to police corruption, yet it appears to be a serious factor. See K. B. Clark, and the Newark Report. Perhaps a paragraph or two might be appropriate.

6. Pp. 8-10

Even where police misconduct is referred to, the discussion is so qualified as to sound timid. "The true extent of excessive and unjustified use of force is exceedingly difficult to determine." But surely there are enough proven incidents of such low-visibility conduct to justify a stronger statement than appears at 9-10. Of the nine sentences on the two paragraphs on pp. 9-10, six are either "we don't know" or -- impliedly -- there doesn't seem to be much prejudicial abuse against Negroes. The other three sentences, both in the second paragraph, are very tentative.

I suggest the following:

"The true extent . . . determine. Detailed empirical studies and surveys, fully verified, are difficult to obtain or even make, because of the low visibility of most such conduct. But the data we do have indicates that physical abuse is still a very real problem. Crime Commission observers witnessed some twenty instances of excessive force out of 5339 police-citizen encounters of all kinds, of which more than half involved white victims. But the policeconduct in these encounters was obviously better than

where no observers are present. And even 20 out of 5339 is approximately three tenths of 1% of the witnessed encounters, which, if multiplied by the millions of police-citizen encounters each year, amounts to a great deal of excessive force.

✓ | "Moreover, incidents of police brutality have been reported to the Commission, some of which have been verified. As one example, two policemen in Dayton shot and killed an innocent Negro in September, 1967; instances of physical abuse in Newark were reported by reliable persons; Crime Commission observers witnessed other examples. These and other instances lead this Commission to concur in the Crime Commission's conclusion that although studies gave no"

Incidentally, is this the conclusion of the Commission or merely of those who did Field Survey V? I did not find the specific point made in Challenge, the official report.

7. P. 12 - The first full paragraph

It is hard to believe police are really ignorant of the effect of their actions. Police use of first names is an irritant, not merely to Negroes but to whites as well, and this is hardly a secret. And is the use of "boy" to adult Negroes really a result of ignorance? As to the suspect's resentment at having his arm taken, I am not persuaded that the reason given for the resentment - shame - is uniquely relevant to Negroes. In short, ignorance may be a factor in discourtesy, but not with respect to these two examples.

8. Pp. 13-14, 19

✓ This seems to imply approval of stop-frisk in suspicious circumstances, the constitutionality of which is before the Supreme Court right now.

Further, does the Commission approve or condemn aggressive patrol? On p. 19, the draft calls for reevaluation and research, but is that really possible? What do we look for in such a reevaluation? How do we measure it? How do we weigh it against other factors?

Moreover, can aggressive patrol be anything but "indiscriminate"? Isn't the point of such tactics to stop everyone in sight and frisk them? Even if the police are supposed to lay off respectable types isn't it clear that unless the officer knows the individual Negro he confronts, he will generally be suspicious of almost every Negro? Studies by Skolnick, Werthman and Piliavin and others (see my article for the cites) have documented this. So how can the Commission realistically condemn "indiscriminate patrol" without condemning the very tactic itself, since the actual execution will always involve such indiscriminate behavior?

Moreover, in the real world of prejudiced policemen, ineffective lines of police authority, and fear of rising crime rates, can one really expect careful and courteous use of such tactics?

In short, the section is long on exhortation and short on realism.

9. II - pp. 22-26

The draft omits a flat statement that there is too much police harassment-type enforcement -- loitering, vagrancy, social gambling, drunkenness -- and too little against drug addiction, crimes of violence, theft, and prostitution. Perhaps change the period at the end of the second sentence of the second paragraph to a comma, and add "while strictly enforcing the law against loitering, vagrancy, and social gambling."

10. pp. 23-24.

There is an inconsistency here, I think; the carryover paragraph indicates that inadequate police response results from excusable factors beyond their control, but the following paragraphs show what is in truth a dual standard. Perhaps modify the first sentence of the paragraph starting on p. 23 with "there is evidence to suggest that the lack of protection does not result solely from different . . ."

11. p. 51, lines 9-11

"Information and intelligence" sounds like spying. Perhaps change "a vital source of information and intelligence" to "much information about life in the communities they serve."

12. p. 54, second paragraph

Mentioning Atlanta and Winston-Salem raises problems -- they both had riots after these programs were instituted. Perhaps have the paragraph read:

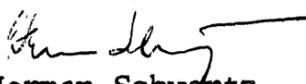
"Nevertheless, some programs have had a certain amount of success" And add a new paragraph:

"Such programs are not a panacea, however, as was shown by the outbreak of civil disorders in Atlanta and Winston-Salem despite their establishment. Obviously no single measure can prevent disorders. A strong police-community relations program can, however, reduce some of the tensions leading to civil disorders, and can help provide the necessary community cooperation which is indispensable to effective police work."

To sum up, I think the draft does say a lot of things that need saying. It does not say some of them as explicitly, and firmly as it should, it totally omits all reference to some of the fundamental causes of police-community tensions, and it is short on specific, concrete supporting facts drawn from the experience of the riot cities.

I hope these criticisms have not been too harsh, for I know the enormous amount of work that went into this. For one reason or other, however, it just seems to miss -- it doesn't go very much beyond the Crime Commission Report, and it should and could have.

Sincerely,


Herman Schwartz
Professor of Law

HS/bg

PCR

AMERICAN BAR FOUNDATION

1155 EAST SIXTIETH STREET

CHICAGO, ILLINOIS 60637

(312) 493-0533

February 15, 1968

Mr. Paul Bower
The National Advisory Commission on Civil Disorders
1016 16th Street, N. W.
Washington, D. C. 20036

Dear Mr. Bower:

On the whole, I think that this is a very good report, and I was particularly pleased to note that you have adopted the principle of external review. This I think, is a significant advance.

I have made some editorial suggestions in the enclosed manuscript, especially in the beginning. I think these suggestions are self explanatory.

As to more substantive comments, I have a few; first, I wonder about your emphasis on foot patrol. It might be better to suggest car patrol which includes a Negro and a white officer. What troubles me is the assumption that any police really get to know the community that they are patrolling. Also, the presence of foot patrolman might appear, especially to some people who spend a lot of time in the street, as an even more oppressive kind of control.

Second, the report as it stands deals very little with the problem of police corruption. You will recall that in the paper I presented to the commission I talked about police corruption deriving from the attempt to enforce conventional morality. We have to recognize that in many of our police departments corruption is a way of life. If we are discussing police -- community relations, the observable fact that police are corrupt can breed enormous cynicism in the urban ghettos. I know that it is difficult to document how much police corruption there is, but I would suggest that in any city where there is organized vice there is also police corruption. And the attempt by the criminal law to suppress vice through criminal sanctions, has boomeranged into a means of fostering corruption in police departments. Furthermore, the employment of police in these vice control activities displaces already scarce resources from serious criminal activity. So I think that the Commission should at least suggest the consequences of the attempt to control "vice" through criminal law, the implications of that attempt for police corruption and police diversion of activities, and the feelings of hostility toward police and law in general stemming from attempts to control vice.

Mr. Paul Bower

-2-

February 15, 1968

Finally, it might well be worthwhile to point out that police violation of procedural laws are no way to set an example for people in the ghetto concerning respect for law. The police conception that "law and order" consists merely in obeying police requirements, rather than the need for police to be responsive to judicially imposed requirements upon them, seems to me terribly shortsighted. But I find no mention in the report of the disrespect that police frequently evidence for legal restraints, and the implications of that form of "civil disobedience" for order on the part of ghetto residents.

Despite these criticisms and suggestions, I find the tone and direction of this chapter most constructive and I'm pleased to have been able to participate with you. Considering the tone taken by Administration recently, this chapter stands in refreshing contrast.

Sincerely yours,

Jerome H. Skolnick (p.m.)
Jerome H. Skolnick
Senior Social Scientist

JHS/pm

Enclosure

12
107
Department of Sociology · UNIVERSITY OF ILLINOIS, Urbana 61801

February 13, 1968

Mr. Paul G. Bower
The National Advisory Commission on
Civil Disorders
1016 16th Street, N.W.
Washington, D. C. 20036

Dear Mr. Bower:

I really have no further suggestions.

The report is much improved over the original draft
and I think makes its points clearly and well.

Sincerely,



David J. Bordua,
Professor of Sociology

DJB/eca

pc

UNIVERSITY of PENNSYLVANIA

PHILADELPHIA 19104

February 23, 1968

The Law School
3400 Chestnut Street

Mr. Paul G. Bowers
National Commission on Civil Disorders
1016 16th Street N. W.
Washington, D. C. 20036

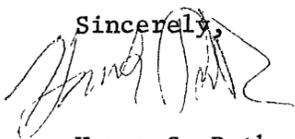
Dear Mr. Bowers:

I guess that I have delayed responding to your most recent communication so that any comments that I may now have on the final draft are too late to be of use to you. I apologize for that but other matters converged at an unfortunate rate.

I had no great problems any way with the chapter and would have recommended only minor changes. It would seem to me, however, that there was an unnecessary retreat in regard to the recommendation as to aggressive, preventive patrol.

Needless to say, I surely hope that your report will have substantial impact in the Congress.

Sincerely,



Henry S. Ruth, Jr.

HSR, JR:pam

PCF

THE UNIVERSITY OF WISCONSIN
LAW SCHOOL

MADISON, WISCONSIN 53706

February 21, 1968

Mr. Paul G. Bower
The National Advisory Commission
on Civil Disorders
1016 16th Street, N. W.
Washington, D. C. 20036

Dear Paul:

I think your latest draft is a very good one and does effectively make the important points which ought to be stressed.

I had occasion to show the draft to a graduate student of ours who is spending the year in East Harlem. He has several interesting reactions:

(1) He sees the primary problem of the New York Police Department to be one of inertia. The white community in New York tends to be poorly informed and, as a consequence, tends to give the benefit of the doubt to the police, with the result that nothing much is changed.

(2) He thinks the document says the right thing but feels that the black power groups will react by saying that it does not deal with the mechanisms for accomplishing the high purposes which are set forth in the document. They will want to see methods suggested which hold the promise of achieving the objectives.

(3) He indicates that the dominant view in East Harlem now is one of support for increased police services. This is a radical change from last year when the dominant concern was with police brutality. He explains the change in terms of increasing unemployment with the consequence that employed residents feel increasingly threatened by theft, burglary, and robbery.

Mr. Paul G. Bower

-2-

February 21, 1968

Even so the average East Harlem resident has mixed feelings because he also has sympathy for the persons who must be arrested and has his antagonisms rekindled if the police act with impropriety.

I expect that you are happy to be near the end of the drafting task.

Best regards,



Frank J. Remington
Professor of Law

FJR:lh



**UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF LAW ENFORCEMENT ASSISTANCE**

WASHINGTON, D.C. 20530

February 21, 1968

Mr. Paul G. Bower
The National Advisory Commission
on Civil Disorders
1016 16th Street, N.W.
Washington, D.C. 20036

Dear Mr. Bower:

Mr. Paul Estaver requested that I respond to your letter of February 9, 1968, in which you were seeking comments on the chapter on Police-Community Relations.

To respond adequately I will have to wear two hats. Initially, as an ex-police officer, my first reaction would be to recoil at the inference that police actions play such a significant part in social disorder. I would object strenuously to the phases that alluded specifically to a particular jurisdiction as that type of inditment would, I think, create a tremendous morale problem. After recovery from the initial shock, then, as a police officer, I would have to agree, the police service is terribly unprepared for the kind of dynamic social change that is currently developing.

My second reaction, as a Negro, would be one of relief that finally a national body has the courage to point out the problems that law enforcement must address if we are going to surmount the pervasive distrust of police that prevails in the Negro community.

The question is one of tactics--what method of presentation will be the most meaningful? It occurs to me that persuasion has been tried, and diplomacy is utilized, but defensive police response and negative attitudes persist. If you are committed to the technique of your presentation, then try it. Hopefully the reaction will be healthy, and that there will be a recognition of the need for real and honest involvement in police-community relations.

- 2 -

Thanks for your sincere efforts to produce a document that should assist police administrators with a desire to structure worthwhile police community relations programs.

Sincerely,



CORNELIUS M. COOPER
Assistant Program Manager
Law Enforcement

Mr. Paul G. Bower
Page 2
February 15, 1968

this point to add the caveat that Negro relations with police may have changed more than with any other group representing that society is a separate matter, but it might not be a bad idea to introduce that idea here as well, since you close with it.

✓ Page 2, last paragraph: I don't agree with what this paragraph says. I am not at all certain that for ghetto Negroes the other institutions of social control have lost their authority. The problem is in large part one of getting a rural traditional Negro into urban patterns of control. Many of these institutions and organizations never were controlling for the Negro, so nothing could be lost. It is, as an old professor of mine used to say, a problem of unorganization, not of disorganization. It is perhaps more the disparity between what is and what could be than what was that is important. Whatever one wants to say about ghetto schools, they perhaps are far better than schools the migrants attended. And so on. Furthermore, the problem is that almost all of the organizations have become highly bureaucratized, including the police. As your summary later indicates, it is some of the consequences of bureaucratization (e.g., the mobile patrol) that lies at the heart of the problem. In short, the police are no more called upon to fill an institutional vacuum than are the schools. What is more, it may be less an institutional vacuum than a matter of how one organizes bureaucracies in the ghetto community.

And that is what I miss most in the discussion that follows. Though here and there one senses that the police have an obligation to link themselves to services, no attention is given to the fact that such services largely fail the police. The police, I am convinced fail more because the services are not up to a capability of the ghetto than because the police fail to link to services. Some of the recommendations therefore have a kind of hollow ring, not unlike the decision that everyone is entitled to legal counsel. But who furnishes it and how? We are kidding ourselves if we think there is an organizational capability to do that in the U. S. More to the point, there is no organizational capability to deal with what the police could and should send to other agencies.

Mr. Paul G. Bower
Page 3
February 15, 1968

What is really needed in the ghetto is an organization of services to which the police are linked. Lacking such an organization the police must end up with the short end no matter how hard they try.

✓ Page 5, number 1, line 2. I assume you mean "officer" by "individual." "Individual" is ambiguous here. I mention this for yet another reason. The chapter does not reflect a point Dave Bordua and I have made elsewhere and one that Bordua made, I thought, quite effectively in his working paper for your group. The point is that citizen conduct should be as much at issue as police conduct.

If I were to select one point at which I thought the chapter falls short, it is on that point. Despite pronouncements by the President of the United States and others that we will not tolerate unlawful conduct, there is no attempt to say what the means. I assume he speaks about unlawful conduct in the sense of riots. But we need more than that in our society. We need to make it clear that we will not tolerate citizen misconduct toward the police as well. That is where our courts fail.

Indeed, there is a sense in which the recommendations about how professionals should respond to abusive language, etc. from citizens is off-base. In no other democratic society can the citizen behave toward the police as he does in the U. S. And it strikes me as basically wrong to assume that police should be trained to take that as if it were nothing. The police should not be abusive because a citizen is, but a citizen should be sanctioned for being abusive toward the police. We want de-escalation on both sides and that should be made clear in any report of the Commission. That is where the courts need to be taken to task.

I find it a little hard to believe that most judges can be convinced that contempt of court should be eliminated from the courtroom. The judge certainly should be professional enough to take anything the citizen can dish out, shouldn't he--if one follows the same logic. Why is it that everyone wants to make a police officer their dirty worker? If you can't handle a situation, call the police. If you won't tolerate citizen misconduct as a professional, why should the police? Principals and teachers in ghetto schools find they must insist upon

Mr. Paul G. Bower
Page 4
February 15, 1968

decent conduct from pupils if they are to go about the business of education. In the long run the police cannot go about their business, if citizens have no obligation to behave properly toward them. Civility must be met with civility. If not, citizens must be charged with uncivil behavior. It cannot be otherwise in a civil society.

✓ Page 7, paragraph 1. The statement about the police and riots hardly bears up under historical analysis. One needs only to look at violence on picket lines in the thirties to recall how recent it was that the police took the brunt of the difficult employer-employee relationships attendant upon orderly picketing. And there is a lesson there. Both sides had to give.

✓ Page 9. It should be made clear that Kaplan's figure refers not to Detroit as a whole but to a quick study he made for the Urban League in an area vaguely defined as the core riot area. We have done a follow-up of the entire Detroit population, and the figure for Negroes is much lower for a cross-section of Negroes in Detroit. Over-all in this paragraph you need to distinguish those studies that were made in riot areas from those that represent cross-sections of a larger population of Negroes or citizens of an urban area. Much of the difference in the figures cited arises because of that fact. You could summarize the point by saying that Negro males in the young age groups who live in ghetto areas where riots have occurred are most likely to believe in police brutality.

Page 10. A minor caveat. Whether or not "observer" studies reflect "normal" police conduct is a good question. My problem is, I don't know what "normal" would be in this case. I could make a good case that the poor Negro does get a better shake from the police today than does the poor white. Who speaks and applies pressure for the poor white?

Page 15. In the best of all possible worlds, do we really want the police to get as close to the people as the old "foot patrol" notion. I, for one, think it is a romantic notion; it never was like that. Knowledge of the community may mean that people get labelled too easily. I think we have learned this about all organizational processing. It is one matter to know what an area is like; it is quite another to have acquaintance with all the people in it and to act on the basis of such acquaintance. I'm not sure I want the police to know and label some people as troublemakers. That's a sure way to have them.

Mr. Paul G. Bower
Page 5
February 15, 1968

Page 37. Your reference to resources available in the community goes back to the point that resources have to be put to work. I have seen far too many cases of police advising well in these terms to have it come to naught either because the citizen doesn't follow through or because the agency can't handle it. The best follow through occurs with emergency medical treatment and for obvious reasons. Hospitals are organized to do just that 24 hours a day and the police will arrange for the ambulance service one way or another in many cities.

Page 47ff. It is too late to rethink the matter of community service officers. The phrase is as nice as police-community relations. And perhaps will have much the same fate. I am old-fashioned enough to think that one means something by service. And I haven't seen that spelled out very well. And I'm modern enough to believe that you can't give much service other than public relations if there is no organized service to which one can be linked. One needs to spell out more carefully than did the National Crime Commission how one organizes this service in the police department and in this community if it is to get underway in any effective sense. We have had a lot of experience with community workers by now to question what service means.

To close on a note of pessimism. I fear that much of what we call for these days is based on a supposition that there is organization in the ghetto community to which we can link other organizations. But I don't think so. What sets the Negro ghetto community apart from the historic ghetto communities is precisely a difference in organization. The immigrant ghetto communities were preserving something; the Negro ghetto community seems to preserve nothing. At the heart of the matter then is community organization. How does one organize Negro ghetto communities. In an important sense that is what black nationalism does, what Black Muslimism does, what soul does. And how do we link to that?

Mr. Paul G. Bower
Page 6
February 15, 1968

These comments quite naturally reflect some differences in conception about where policing should be directed in the long as well as the short run. My views are not necessarily better.

I look forward to seeing the entire report.

Sincerely yours,

Albert J. Reiss, Jr. /skm
Albert J. Reiss, Jr.
Director

AJR/skm

Signed in Dr. Reiss' absence

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

A Tribute to the People of California

SCHOOL OF CRIMINOLOGY

BERKELEY, CALIFORNIA 94720

December 6, 1967

Mr. Paul G. Bower
Assistant Associate Director
Public Safety
National Advisory Commission
on Civil Disorders
1016 - 16th Street, N.W.
Washington, D.C. 20036

Dear Mr. Bower:

I apologize for misunderstanding the Dean's dictation
of his memorandum on police-community relations.

I am enclosing a copy of the page on which the error
was made which I hope you will substitute for the original. ^{-Noted}

Again, my apologies.

Sincerely yours,

Suzanne Gehler
(Miss) Suzanne Gehler
Secretary to Joseph D.
Lohman, Dean

enc

Note correction
→
→

Number 4. Even as the memorandum asserts the fact that the ability of the police to reduce the threat of disorder is limited by factors outside their control, the statement should be so drafted as not to minimize the importance of the role of the police in such a general context of frustration and deprivation. The relations between the police and these communities reflect not only the generally agreed statuses of such populations, but reflects as well the direct experience of such populations with certain of the police. It would be a mistake to permit the conclusion that the police should ignore the actual or perceived ^{aggrieved} ~~agreed~~ experiences of such populations with the police and other authority figures. In short, we must single out the specifically ^{aggrieved} ~~agreed~~, and/or perceived, statuses of the population vis-a-vis the police and the broader and more complex patterns of their deprivation.

Number 5. I cannot agree that there is such an overwhelming limitation upon the ability of the police to attract the support of the ghetto community, as is asserted here. If the police saw themselves as a channel of communication, for directing queries and uninformed charges to the appropriately responsible agencies, they would be effective in deflecting considerable hostility away from the police to the agencies where such hostility should be confronted. Mere silence and absorption of ghetto hostility is in large measure responsible for the current cynicism. It is not that the police are required by ghetto communities to resolve all their problems, it is rather that they be understood as neutral ~~and~~ helpful in their attitude toward their solution.

Number 6. A police-community relations program is one of the major devices by which the several enumerated and more important functions can be mounted. Indeed, changes in patrol practice, etc., can and should be mounted in direct relation to the information provided in the dialogue engendered to an effective police-community relations function.

Number 7. Illustrations employed by Remington and Goldstein are not the best for what is involved with the substance and formidable proportions of an entire subculture which need to become the condition of the police rather than the values and norms of middle-class society by which they are judging behavior as suspicious. The police by educational means and police declaration need to explicitly address the whole series of extra-legal, de facto over-reacting presuppositions about minority populations which many police personnel currently take for granted.

Number 8. The whole thrust with reference to the utilization of community agents as investigative aids and in crime prevention is seriously compromised by the adjective "stable." Most police departments would assert that they currently utilize the service of stable community members. Of course, they are merely expressing through such selection their own uncritical reservations and observations about minority subcultures. The best that should be emphasized is that the same kind of wisdom involved in undercover utilization of all possible types of informants in investigations should prevail in the engagement of the community. Indeed, one might even challenge to make the point, the necessity of the police to utilize all kinds of community members in their

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY · DAVIS · IRVINE · LOS ANGELES · RIVERSIDE · SAN DIEGO · SAN FRANCISCO



SANTA BARBARA · SANTA CRUZ

SCHOOL OF CRIMINOLOGY

BERKELEY, CALIFORNIA 94720

December 5, 1967

Mr. Paul G. Bower
Assistant Associate Director
Public Safety
National Advisory Commission on
Civil Disorders
1016 - 16th Street, N.W.
Washington, D.C. 20036

Dear Paul:

I am returning herewith Frank Remington's memorandum. Marked here and there, when the spirit moved me, my footnoted commentary is appended. I am afraid that these remarks are less systematic than they might have been had I not been hospitalized and were I permitted to develop a statement de nouveau. Please accept them in a spirit of cooperation and helpfulness and give my best regards to Frank Remington and Herman Goldstein. If I can be of any further assistance, please call upon me.

Cordially,


Joseph D. Lohman
Dean

JDL:sg
enc

P.S. I have also enclosed two copies of a series of items which reflect some preliminary inquiries on our part to what has followed in police departments after last summer's riots over the country. Item 1 lists a series of special accommodations made within police departments in various places over the United States. List 2 reports on certain organizational changes which we were able to identify in a number of police departments.

NOTES ON: Police, The Community, and Civil Disorder
--The Remington-Goldstein Memorandum

Joseph D. Lohman, Dean, School of Criminology, University of California, Berkeley

Number 1. Although it is important not to establish the police as the prime cause of riots and to set forth the complexities of the problem and the necessity for a basic and comprehensive approach to a solution of the crisis, there must be set forth a specific responsibility and hence, contribution of the police. Hence, the police need not only to be informed as to the causes and conditions of civil disorder, but how specific types of police input are provocative of over-expressions of hostility and/or violence. Here I refer to pages 25-28 of my memorandum on the police (Appendix 1). The shortcomings of the police system, when seen in strictly impersonal, structural, and organizational terms remove the onus of blame from the police and suggests an appropriate remedy, i.e., structural and organizational changes which avoid casting the police in the role of reformed villains.

Number 2. We should avoid the suggestion that police-community relations programs are necessarily limited in their effectiveness. It is, of course, a well known fact that most police-community relations programs are no more than "public relations gimmicks." On the other hand, the area of police-community relations is substantively of the utmost importance and hence, mechanisms and/or procedures which go by that name must be distinguished from the need for and importance of a meaningful substantive police-community relations function. It follows that a police-community relations program is one of the more significant ways for producing that kind of organizational change which will reduce the current insensitiveness and detachment of the police from the local communities which they serve. In short, a police-community relations function worthy of the name has a double mission, not only the interpretation of the police to the community through contact and the subsequent dialogue, but contact and communication with the rest of the police department as a means of sensitizing it to the need for change from within. The idea of a police-community relations unit as a separate and detached appendage of the police department, troubleshooting, putting out fires, and generally promoting good will for the police must be evaluated as something short, and indeed, abortive to a genuine police-community relations program.

Number 3. The suggestion that community relations programs can and do exist apart from departmental practices is a self-evident demonstration that what goes by way of the name of a police-community relations program is in fact an ill-advised and self-deluding idea that a bona fide police-community relations program exists. Only if and when patrol practices are in direct response to and a reflection of the understandings attendant upon an effective police-community relations program can there be an improvement in police-community relations. Hence, it should be emphasized that one of the prime requisites of the day is that police develop an adequate program of police-community relations (pp. 15-25 - Appendix 2), reflecting: 1) a substantial understanding of the new and emergent complexities of community life, and 2) the need for a deliberate and calculated means for engaging and mediating the chronic situations of stress.

Number 4. Even as the memorandum asserts the fact that the ability of the police to reduce the threat of disorder is limited by factors outside their control, the statement should be so drafted as not to minimize the importance of the role of the police in such a general context of frustration and deprivation. The relations between the police and these communities reflect not only the generally agreed statuses of such populations, but reflects as well the direct experience of such populations with certain of the police.

It would be a mistake to permit the conclusion that the police should ignore the actual or perceived ~~aggrieved~~ ^{aggrieved} experiences of such populations with the police and other authority figures. In short, we must single out the specifically ~~aggrieved~~ ^{aggrieved}, and/or perceived, statuses of the population vis-a-vis the police and the broader and more complex patterns of their deprivation.

Number 5. I cannot agree that there is such an overwhelming limitation upon the ability of the police to attract the support of the ghetto community, as is asserted here. If the police saw themselves as a channel of communication for directing queries and uninformed charges to the appropriately responsible agencies, they would be effective in deflecting considerable hostility away from the police to the agencies where such hostility should be confronted. Mere silence and absorption of ghetto hostility is in large measure responsible for the current cynicism. It is not that the police are required by ghetto communities to resolve all their problems, it is rather that they be understood as neutral to and helpful in their attitude toward their solution.

Number 6. A police-community relations program is one of the major devices by which the several enumerated and more important functions can be mounted. Indeed, changes in patrol practice, etc., can and should be mounted in direct relation to the information provided in the dialogue engendered to an effective police-community relations function.

Number 7. Illustrations employed by Remington and Goldstein are not the best for what is involved with the substance and formidable proportions of an entire subculture which need to become the condition of the police rather than the values and norms of middle-class society by which they are judging behavior as suspicious. The police by educational means and police declaration need to explicitly address the whole series of extra-legal, de facto over-reacting presuppositions about minority populations which many police personnel currently take for granted.

Number 8. The whole thrust with reference to the utilization of community agents as investigative aids and in crime prevention is seriously compromised by the adjective "stable." Most police departments would assert that they currently utilize the service of stable community members. Of course, they are merely expressing through such selection their own uncritical reservations and observations about minority subcultures. The best that should be emphasized is that the same kind of wisdom involved in undercover utilization of all possible types of informants in investigations should prevail in the engagement of the community. Indeed, one might even challenge to make the point, the necessity of the police to utilize all kinds of community members in their

determination, to establish both informal and formal measures of control as an assist in their public mission.

Number 9. While it is true that police must respond to calls of service on the basis of equality, one must not take lightly the extraordinary burden of police input within the community that has population density of 100,000 as contrasted with one of middle class density of some 25,000 or less per square mile. These are exceedingly complicated matters and make all the more important the necessity of direct interpretation of the police input to the rank and file of the local community.

Number 10. I think the question of the double standard should be put directly for this more than anything else aggravates a sense of injustice at the hands of the law itself. There is sufficient evidence that the double standard exists and that it cannot be justified under modern conditions. I believe it should be declared as a condition of concern by police systems and certainly by the President's Commission.

Number 11. Some care should be expressed in formulating the need for special responses to the peculiar problems of the ghetto. This can easily become a mask for reintroducing the double standard by the back door. In my own judgment, the matter rests with a clear definition and informational input for the police in the exercise of police discretion. Much work needs to be done in this area in order to establish reliability and accountability under the widespread conditions of low-visibility in the police function. An explicit acceptance of the need for widespread exercise of police discretion and corresponding instruction as to alternative options in various situations would establish a more effective police function under the variable conditions of present-day urban society.

Number 12. I believe the authors are mistaken in their failure to express the importance of police-community relations programs. It seems to me they have thrown the baby out with the bath. Programs which go by that name must be portrayed for what they are. The police need programs which will make them "good and effective" rather than to merely "look" good and "appear" effective. I believe police-community relations programs are not in themselves solutions, but they are an instrumentality by means of which and through which a mechanism of change can be effected.

APPENDIX I

The uniformed police, by the nature of their mission to maintain order and secure the established institutional arrangements are, of course, conservative and supportive of the status quo. Correspondingly they appear as the most visible and tangible representatives of an intransigent social order which insurgent groups seek to transform through their demand for equal opportunity and equal treatment. The police are, indeed, in extreme instances of alienated and estranged community life, likened as to an "army of occupation." As a consequence, the police are today experiencing an unprecedented number of situations of confrontation. It becomes increasingly apparent that the police are confounded in their effort to enforce the law on the marginal few for lack of the confidence and support of the broader community in which the violator of law is situated.

The current hostility and the discouraging absence of confidence on the part of the general public has a serious and disabling affect upon the law enforcement function. The consequences are substantive in their effect and are reflected in the structure and organization of the police service. They attest to the need for structural and organizational changes as a necessary precondition of the effective engagement of the sub-culture of American society by the police, if the police are to be effective in the enforcement of law.

In summary, a number of the specific consequences and their attenuating efforts can be noted.*

* President's Commission on Law Enforcement and Administration of Justice, "The Police" Task Force Report, U. S. Government, Washington, D. C., 1967, Ch. 6 pp. 144-215.

1. Negative public attitudes are reflected in inadequate manpower supply. Able young men are reluctant to enter an occupation which lacking the respect of the neighborhood and neighbors, enjoys low status among occupational alternatives. Nearly all of the major police departments are currently operating under their authorized limits of personnel strength and difficulty in recruitment has become a chronic condition of the police service.

2. Hostility toward the police seriously impairs the morale of policemen. Correspondingly the police are themselves disposed to become cynical and without enthusiasm for entering or continuing in the service. Low morale is reflected in excessive turnover, personnel attrition and early departure from the service.

3. A dissatisfied and disapproving public fails to support the police when issues such as salaries, number of officers, necessary equipment and building construction and repair are pending before state legislatures, city councils or executive authorities.

4. An antagonistic and cynical public is not likely to cooperate with the police in reporting violations even when they are victimized. There is a general indisposition as well as reluctance to report suspicious persons or incidents, appear as witnesses or generally provide information. Considering the relatively small proportion of all crimes known to the police and the even smaller number which are cleared up through investigation, lack of citizen cooperation, compounds the problem to critical proportions. The solution of an appreciable proportion of all crimes makes absolutely necessary the cooperation of the citizen public.

It becomes apparent that the police function may be so structured and so organized that the enforcement of the law upon the marginal few may be seriously impaired and even stymied. It follows that the immediate concern of the police in apprehending and suppressing law violators is contingent upon a deeper and more pervasive mission, namely the activation of the whole public in the maintenance and securing of the peace of the community. It is, in my judgment, precisely because of this failure to define the basic and larger mission of law enforcement that so many law enforcement officials and other citizens of the society are bemused by the spectacle of so many of their fellow citizens in general and of poor Negroes in particular, who have come to believe that law and authority are not their law and their authority.

It is apparent from the evidence "of the long, hot summers" that what troubles the police is not extended to them as it confronts them in the streets, but the inappropriateness of their traditional posture in engaging these new and chronic situations of stress. There is, indeed, a crisis of the police. The crisis can be stated as follows:

There is a structural deficiency in the police systems of the U. S. which make the interventions of the police conducive to collective overexpressions of hostility in the society rather than the containment of individual expressions of hostility and/or violations of law. The forms of that structural deficiency are identifiable and can be made explicit. They are first and foremost, the widespread disposition of the established authority and the police to blame troublemakers; to characterize situations of stress as brought on by "agent provocateurs". Correspondingly, there is extended that designation to all who express their dissent in the form of "direct action." This structural deficiency is reflected in an extension of discretionary power to include the protection of the general community against such questionable elements, as well as the enforcement of the law in specific instances of overt law violation. A pattern of police practice is erected upon these premises which results in the familiar and questionable spectacle of the "double standard of law enforcement." Through the "double standard" there are promulgated a whole series of extra-legal, de-facto overrating presuppositions which are taken for granted, like the air they breathe, by many police personnel.

- a) The inevitability of vice or law violation when there are contacts between persons of different racial extraction not a customary and accepted pattern of that community.
- b) The necessity to enforce with police power, the social custom and tradition of the community apart from law. (de-facto segregation).
- c) The necessity to invoke special action against minority groups which is not invoked against members of the majority group. Demonstrations, stop and frisk practices, confinement of individuals to specific districts are instances of the double standard.
- d) The necessity to regard all instances of civil disobedience as without any differentiating characteristics hence the employment of uniform procedures in such differing conditions as:
 - 1) Challenging law for the purpose of testing the constitutionality of a law and
 - 2) Challenging the morality of a given law.

A second structural deficiency is to be found in the absence of effective channels for expressing grievance. There is a widespread assumption that the attachment of marginal groups of the society has not been seriously affected by their actual or perceived experiences with the police and other authority figures. As a consequence grievances, whatever their substantive merit, are regarded as a ploy of extremist and opportunist figures. Too often complaints of police abuse or deprivation of civil rights fall upon deaf ears and if there is an opportunity to register complaint, the channels for processing them are weak, ineffective, and unresponsive. If the opportunity for complaint is only a pale representation no more than symbolic, the assertions and actions of the police in the "maintenance of peace and order" are viewed by those of minority status as evidence that the police are an instrument of an intransigent power-holding group and irresponsive to their interests and well-being.

A third and formidable deficiency in the face of the current stresses in the relation between the police and the community is the absence of a concept and/or machinery for effectively mediating the police to the present variations and complexities of the urban community. The newly emergent centers of power are an expression of the developing sub-culture of metropolitan U.S. society. The ecology of the developing sub-cultures is in the pattern of the historic settlement of the low income and ethnic groups of American society. Their aggrieved statuses and protestations take on collective significance since they are in direct and intimate face-to-face contact and communication with one another. The distinguishing fact of racial identity, and the conditions of de facto segregation have forged a new and unprecedented collective consciousness in the core cities of metropolitan U.S. If these newly developing collectivities are not effectively engaged and mediated to the official agencies of the community, they present an opposite potential of a new empirical condition of violence when confrontations occur.

APPENDIX II

The changing patterns of crime are a projection of the far-reaching changes in American community life. The police, the courts, the machinery of punishment and corrections are also projections of the community. It is not likely that we will be successful in controlling crime without seriously changing the organization and administration of criminal justice. The ultimate answer is to see crime, not alone as a problem in law enforcement but as a problem in education, family organization, employment opportunity, and housing. These are the structures inside of which deviance and hence crime and delinquency incubate. It is a myth that man's behavior can be changed directly. It can be changed only by altering the conditions which underlie the behavior.

In view of the current chronic confrontations between the law and the practices which have been generated in great sections of the population of our cities it is instructive to recall an observation made, over twenty-five years ago, shortly after the repeal of the Prohibition Amendment, by a leading American criminologist.

American culture does not demand or approve obedience to all laws...The slogan 'obey the laws' is never meant to be taken without qualification. It is but a slight exaggeration to say that most conservative people believe that other people should obey most of the most important laws most of the time...The implied injunction - 'break no laws' - is not obeyed even by the most meticulously moral.*

* Taft, Donald R., Criminology 1942, p. 234.

In a textbook for new police recruits, and anticipating the rebuffs they will encounter, three leading police scholars with long experience in police affairs had this to say in confirmation of that commentary:

Those who enter the service may expect to find that his very finest efforts for the community will often be misunderstood, resented and sometimes bitterly opposed by otherwise good citizens simply because they themselves are inconvenienced. And too there exist in almost every community, a certain number of citizens who resent authority in any form, delight in community disturbances and do all they can to obstruct the conduct of police business. Those who enter the service may expect to find, in many situations, exhaustive testing of their patience, stability and objectivity.*

*Germann, A. C., F. D. Day, and R. J. Gallati, An Introduction to Law Enforcement, 1962.

In their different perspectives the police and the scholars of crime have painted up the failing respect for the law. The tensions which have been engendered between the law and the various elements of the community upon which it is enforced could make life intolerable in our urban society. A clue to the search for an answer to our dilemma may be indicated in A. V. Dicey's lectures on Law and Opinion in England during the nineteenth century. Dicey observed that:

Individuals, indeed, and still more frequently classes do constantly support laws or institutions which they deem beneficial to themselves, but which certainly are in fact injurious to the rest of the world. But the explanation of this conduct will be found in nine cases out of ten to be that men come easily to believe that arrangements agreeable to themselves are beneficial to others; a man's interest gives a bias to his judgment far oftener than it corrupts his heart.*

* Dicey, A. V., "Law and Opinion in England," 1905, pp. 4-15.

Let me add to this insightful passage another sobering reflection on the American scene which Alexis de Tocqueville offered us in his search for the principles which were forging the American character. De Tocqueville identified individualism as a characteristic product of democracy. Its first effects he saw as weakening the sense of public responsibility, turning to selfishness and the default of citizenship unless the constitutional structure is designed to encourage association in free institutions, "...conducted by the men who reside there, (hence) the same persons are always in contact, and they are, in a manner, forced to be acquainted and to adapt themselves to one another."* Dicey and de Tocqueville in large measure anticipated the bases

* de Tocqueville, Alexis, Democracy in America, Vol. II, 1840, p. 103.

of our current dilemma. Each in his own way has set forth the possible social and cultural sources of the current tendency toward a polarity of interest and resulting confrontation between the newly emergent interest groups, and the traditional and established authority.

Lack of respect for law is very often assumed to be evidence of a willful disregard for legitimate authority and evidence of personal defect and shortcoming. We have much to learn about the mysteries by which societies generate an abnormal response within their own circle. But this has become increasingly apparent. It is the social structure itself which contributes to such behavior. Indeed, it is the self-same social structure expressing its force and influence in an ambivalent manner which produces on one hand the conforming individual, the person respectful of the social codes, and on the other, the deviant and lawbreaker who are disrespectful of the law. It may well be that what we observe as "disrespect for law" is a normal reaction of normal people to an abnormal condition.

Many of the problems which are confronting us today have meanings and hence a significance which are quite different from what we have traditionally ascribed to them or to the situations they represent. For example, there is

much said these days about the estrangement of the young and the old; we speak of young people's being "alienated," and estranged from the adult community. We refer to persons frequently as members of groups which do not identify with the general community, who live to themselves in some separate place according to their own standards. We see them at least in some measure at odds with the norms and values, with the law, and with established institutions of the society.

I should like to suggest that this estrangement, this alienation, of individuals can be regarded in a quite different way. It will profit us, for a moment, to examine the agencies, institutions, and organizations to which we uncritically subscribe, and to apply the notions, which we have applied to individuals, to the institutions themselves. I believe it might be properly suggested that even as we speak of persons as being estranged and alienated from the conventions, the norms, the institutions of society, we may be confronted in the current day by a crisis of these same institutions. For it can be seen that the institutions are not necessarily as one with the changing social scene. They do not readily reflect in themselves the trends, and so there are, indeed, stresses in education. There are stresses in welfare. There are stresses in law enforcement. It is these crises and the dilemma of our traditional services which need to be made explicit.

One might appropriately refer to the traditional services as alienated and estranged from some people, indeed, many people, rather than always the reverse.

Some very profound changes of revolutionary proportions are taking place in American society. These changes are responsible for structuring the relations of certain individuals to us even as our administrative organizations have structured our relations to them. It is important for us to see that problem as it is posed in context. The contemporary American revolution involves, among others, three factors that have challenged the traditional institutional structures: the explosive rate of population increase; the doctrine of civil rights, an ideological force which has no precedent in recent history; the impact of technology which is producing a shape of things for which we have not bargained and which is profoundly affecting great numbers of the population. These tremendous changes are more than facts in themselves - they are the condition for the creation of a new pattern of human relations in this country. We often find it difficult to perceive this new pattern, primarily because our relationships are traditionally structured and we are disposed to maintain the traditional structure.

Let us take a brief look at the influences which are transforming the community and creating a new and formidable pattern of subcultures. The subcultures present to us a pattern of adaptive behavior which we tend, for the most part, to treat as the behavior of unique individuals rather than as a manifestation of collective experience. The members of subcultures are a phenomenon of collectivity and they cannot be meaningfully addressed if their behavior is viewed as that of exceptional individuals. We cannot engage them effectively as individuals because they are under a collective influence to which they are correspondingly responsive, and which is in competition, even overt conflict, with the remote and formal influences of the school, the police,

and other institutions of society. Such agencies and institutions, by their very structure and organization, exclude these individuals; hence, affirming their behavior on which we then proceed to pass judgment as evidence of individual shortcomings rather than as a manifestation of their informal social life.

Crime can be considered as merely a highly dramatic expression of the whole problem of social deviance - a variation from true north, so to speak, from the central tendencies of society. Crime, though a non-conformist expression, is as much a reflection of the patterning of social life as are the conformist expressions of society. In truth, it must be seen, more frequently than we are disposed, as an instance of adaptive and conforming behavior, and recognized as such. Crime, like other behavior, is a reflection of the community. In this sense, it is important for us to recognize that the problems whose incidence is increasing - e.g., juvenile delinquency and other mass expressions of youthful behavior - are a projection of deep-seated processes at work in the life of the community. Over one-half of the United States population will soon be under twenty-five years of age, and sixty percent of serious crime is committed by those eighteen years of age and under. Thus, youngsters who are marginal in society must be regarded not only in relation to the society as a whole but also in relation to the social patterns of the local communities. It is sometimes over-generalized that youngsters who are marginal in school are, therefore, marginal in their communities. But the society which produces the conformist and conventional middle-class youngster also produces the conformist, the deviant or delinquent youngster who is not effectively engaged by the conventional institutions of society.

The non-conformists are not qualitatively different from other young people. They are not persons who are necessarily unable to adjust and who cannot have effective relations in any kind of social context. Too frequently we speak about the necessity for "socializing" young offenders, apparently assuming that they are sterile creatures lacking the capacity for living in a state of realistic accommodation with their fellows. The truth is that many whom we tend to regard as maladjusted are, as a matter of fact, frequently in a remarkable state of adjustment. Such people may, indeed, be extremely socialized, but their socialization may involve commitments to groups at variance with the norms and standards of other groups in the society. These young people are social beings and we must not fail to see them as such. If they are socialized with reference to exotic and questionable groups, we must see this as the reality, and focus on the terms and conditions of their socialization rather than treat them as persons unable to adjust. The point is that social problems are more frequently a conflict between groups rather than a conflict between individuals and a group. Conflict is resulting today from the emergence of significant pools of collective experience taking on the proportions of subcultures, which are, almost by definition, in many respects in opposition to the wider culture.

Negro-Americans, Mexican-Americans - indeed, youth in general, - live in a world which is apart from the total social world of others. They participate in lesser degree in the general life of the community, and thus there develops among them a definition of life, in some measure, at odds with the life of the community. Parenthetically, I might add that this is true of our senior citizens as well. American society today tends to be centrifugal

in character; its elements are being forced apart, thus, forming smaller groups, each with its own local pool of experience and culture. This is true of young people, of the poverty-stricken, and of members of racial minorities.

Prior to the mid-twentieth century the patterns of American society were centripetal; they were directed to one standard, one norm, one set of values. The European immigrants of the nineteenth and early twentieth centuries searched for a way to participate in the society as a whole and to be one with it. They wanted to become acquainted with its customs, arts, skills, and technology. The concept of the "hyphenated" American on the whole de-emphasized ethnic origins and emphasized the melting pot process - the transition from what they had been to what they were all to become in the new society. The reverse of this tendency is markedly in evidence at the present time.

The impact of changes in population, civil rights and technology has had the effect of driving the society apart and forcing it to manifest itself in local pools of experience, i.e., subcultures, which are the mainsprings of the problem behavior we see on every side. More often than we have recognized, the attitudes, values and perspectives of great numbers of the population stem from their allegiance to these subcultures, not from fundamental and intrinsic differences. We must continue to explore the mystery of the process which causes a society to manifest itself in so many different ways.

Our problem youth, whatever the nature of their problem, are not objects, independent of and unrelated to our treatment of them. The machinery for dealing with them is definitional. A youngster who is singled out for attention is regarded by the community as being somehow different. Consequently, he develops a different attitude toward himself, and others view him differently. Dealing with him may create a new set of social relationships, whereas not so dealing with him may in fact mean that he is not distinguished from others in the common, on-going processes of society. It is certainly true that there are latent, and as yet unreported, effects which result from the way in which we address our problems, and our developing knowledge increasingly focuses on these secret effects which often over-shadow the influences that have already been identified in particular relationships.

It is ironic that segregation in the United States today, after the passage of the anti-segregation laws, is far more widespread than when segregation legally existed. One reason, of course, is that greater numbers of people are involved. The second and more important reason is that a subtle de facto system of discrimination has come into existence. The practice of subtle discrimination is pervasive, and it often serves as a more accurate measure of the attitudes of individuals than an expressed declaration to members of minority groups.

Let me state this in another way. At the present time, many people are inclined to question the propriety of the civil rights movement. Why, they ask, do Negroes feel it necessary to mount a civil rights program when they have already been emancipated from the traditional system? It is easy to reply that Negroes do this because they have tasted the fruits of freedom and want more, but this answer is not the whole of the matter. White Americans believe that non-white Americans have achieved their victory and estab-

lished their positions as free, independent, and equal citizens. This is simply not so; it is untrue and a few examples will suffice to prove its falseness.

Consider the Negroes' position in the large cities of the North in terms of residence. More Negroes live under conditions of residential segregation today than twenty years ago. This is true of every northern city - Chicago, Detroit, San Francisco, New York, Los Angeles, to name only a few. Negroes have moved into all the northern cities, but as they have moved in, the whites have moved out to the peripheral suburban areas. This has created a new pattern of social relations whose distinguishing feature is greater segregation of whites from Negroes and Negroes from whites than ever before in our history. A generation ago, in Chicago, fifty percent of the non-whites lived in communities in the city in which half the population was white. Today there are almost a million Negroes in Chicago, and eighty-five percent of them live in communities in which more than eighty-five percent of the population is non-white. A whole generation is living under much more segregated conditions than their forebears. This is illustrative of conditions throughout the country, and it refutes the widespread idea that progress in residential desegregation has been made in which Negroes should take satisfaction.

With reference to the changing technology, automation has produced results very different from those generally assumed to be the case. It is a popular belief that Negroes have achieved new occupational opportunities and status. The truth is that Negro unemployment ranges from twelve to twenty percent in many communities; in some communities, as many as forty percent of the youthful non-whites are unemployed. These figures are in sharp contrast to the national unemployment rate of four to five percent. In certain respects, since the end of World War II, the position of the Negroes with regard to employment has deteriorated rather than advanced. Negroes were employed during the war, often in upgraded positions, and they held jobs which they never previously held. The end of the war and the subsequent development of automation (which has very special implications for blue collar workers) resulted in pushing Negroes out of jobs and into the ranks of the unemployed. The Negro, therefore, is deeply concerned about employment, but the suburban whites who see Negro pickets in front of grocery stores and factories do not understand the reason for the concern. Negroes picket because they know that things are not as good as they are declared to be, but whites do not understand this fact and their failure to understand it means that they will communicate a gross misconception to a whole generation.

People who are solicitous about the welfare of Negroes know that the black-skinned child who wants to be President does not have a very good chance, and most of us believe that it might be well for him to concentrate on a reasonable goal; we suggest to him that he should not aspire to middle-class activities since he will find it difficult, if not impossible, to enter into them. More frequently than we realize, our solicitousness adds fuel to the fire of his bitter recognition of what he sees as a discriminatory and segregated social system. The helping services remind him that he should not aspire to the impossible; to him it is the butt end of the stick. When we attempt to be friendly, kind, and encouraging he finds us guilty of patronizing, and in this way we may be an instrument of the social structure and organization in a quite different way than we realize.

It is, indeed, ironic that a society at the height of its affluence should find it necessary to mount a war on poverty. In our society of today, there are large groups of people who are not necessary for the maintenance of the affluent society. We are no longer dependent on the sweat and toil of many people in order to assure productivity. Why do we now focus on the marginal groups if they are not needed economically in the affluent society? We must concentrate our attention on them because the condition of their marginality has produced deprivation, and deprivation is a phenomenon which generates problems. The human animal, of course, attempts to find answers to problems. The subcultures are, in short, the problem-solving answers to their situations of stress and trial; correspondingly, the subculture, which many of us see only as the evidence of a set of negative attributes and only to be deplored, is to many individuals a solution to their life's problems. It is their means of making life tolerable under the conditions of their deprivation. I refer to something more than physical environment, something more than the slums that we see as an environmental problem for many of our youngsters. I refer to the way in which people live their answers to their problem, respond to the lack of jobs; answer to their condition of deprivation forced upon them by the enveloping social structure. Their answers are the positive, organizing principles of their lives and they bring their answers into the school, the playground, the factory and the law. In short, they bring their answers into the wider society which, for the most part, in its present structuring of professions and services, is not prepared to recognize that the answers have positive value.

We tell them, "assume our habits, culture and attitudes and accept us on our conditions." This leaves them without any resource for working in the situations which actually confront them. Failure is their experience, for we do not give them rewards that are contingent upon their own natural learnings and adjustments to the world of deprivation from which they come. Their material and psychological deprivation has generated problem-solving responses. The residual piling-up of the problem-solving responses has produced the subcultures of the deprived groups. In this background lies the significance of the behavior of the Negro child who comes from a black ghetto. If he is combative or inattentive, it is almost a certainty that a significant cultural pattern is there. His defiant attitude has in his milieu a survival value and his hostility is a partial answer to the situation in which he finds himself.

We are experiencing an eclipse of the formal controls of society because of the prior claims these subcultures have upon these individuals. There is a natural antagonism between the children of the slums, the racial groups and the police, as well as the general community. Today the "real" controls are in the area of the local, the primary, the face-to-face experience of these groups which are at odds with the general society.

We may very well ask, "Why is it students have no sense of shame and guilt as young persons formerly exhibited?" It appears to many that they have become cold, callous, inhuman agents without the essential characteristics of the youth which they remember. But there is a sense of shame and guilt. Shame reinforces locally defined, non-conforming behavior. In the current cultural communities of America, a variety of subcultures has made shame and

guilt problematical. They reflect the local subcultures to which the young people relate. Hence, it produces non-conformity rather than conformity to the established norms of the general society, and correspondingly, it emphasizes attitudes which have local value. The power of the subculture to effect this reversal of values and norms is not fully appreciated. We are still asking ourselves why it is that formal ordering and forbidding techniques are not able to produce conformity. If the policeman's lot in the past years has been, as Gilbert and Sullivan said, "An unhappy one," it is likely to be an even unhappier one in the future, unless there is an alteration in the development of these young people. We are continuing to subscribe to the notion that we can police the community without having it formally supported by the informal systems of control.

The tremendous population flux and growth of recent years brought on, between 1950 and 1960, a new pattern of population concentration in the major cities of the United States. The twelve largest cities of the United States lost nearly two million white residents who were replaced by two million Negro residents in that short ten-year period. This transformation was accompanied by a disproportionate change in the youth population within those cities. Washington, D.C. has a non-white population of 63 percent, but the public schools enroll 91 percent non-white. Chicago reported this year that over fifty-one percent of the students in the public schools were from the subculture of the Negro world. Only a quarter of the total population of that city is Negro. The city of Philadelphia has a non-white school population of well over fifty percent, whereas thirty-three percent of the total population of that city is non-white. The public schools of our major cities are confronted with a population, one-third to one-half of which comes out of a subculture with characteristics which challenge the capacity of our schools to engage them.

In 1951, one out of every ten children in the twelve largest cities of the United States was identified as culturally disadvantaged by the public schools. Today, it is more than one in three who are referred to in these terms. They represent problems of background that make it impossible to move them along in the school system at the same pace as other more advantaged youngsters. Projecting the trends, it now appears the ratio may well be one in two in the major metropolitan centers by 1980.

The problem of young people, generally, is not wholly different from that of minority group youth. Many young people relate to the adult community in such ways as to suffer low self-esteem, and hence see themselves as unimportant and insignificant. Therefore, they must compensate by developing attitudes, norms, and values which do give them a sense of worth and importance. And more frequently than is good for the society, this turns out to be a condition of defense, a condition of rebellion, rather than a condition of identity with the adult culture. So the deprived or disadvantaged young people of our time, in increasing numbers, can be seen as demonstrating a cultural self-image which reflects a contra-culture, representing rebellion and opposition to the norms and standards of the wider community. On picket lines, or in gang groups in alleys and byways of the slum, they can be seen as reacting to, and rejecting the larger community.

The changing social scene has made it difficult or impossible for the young to attain the chief hope of every self-sustaining individual, namely, the realization of personal work satisfaction, or the finding of one's self in one's life task or work. One writer has stated the issues succinctly when he writes, "It's hard to grow up when there isn't enough man's work."*

* Goodman, P., Growing Up Absurd, New York, 1956.

In normal conditions a large part of security comes from knowing that your contribution is useful and the rest from knowing that it is uniquely yours - that "they" need you. Earlier generations in the United States have been needed because the very life of the family - bread on the table or coal in the kitchen range - depended on their contributions. Even for the slum child, scavenging along the railroad tracks to get coal, it wasn't difficult, however irksome the task, to understand that this was a meaningful and important function that he was performing. He was wanted. What he was doing was needed and it was significant in this sense. Hence, chores, as we knew them, were something more than these mere irksome invasions of childish freedom; they were meaningful additions to the family income. The family larder, indeed the security of the family itself, often depended on the contribution of its youthful members.

But in these times, in these United States, we no longer have, for the most part, the same needs for our children. For example, they are no longer needed to support us, their parents, in old age as was the case before the advent of the collective institutionalized social security system. Indeed, for economic reasons and more recently for technological reasons, the adult world finds little need for youth. For the most part, they are in the way; they are a burden. To a large extent youth has been transformed from an economic asset for the average parent into his greatest economic liability. The fact that the child has become an income tax deduction has by no means made up the difference. The prolongation of childhood and the child labor laws, quite apart from the impact of automation and technology, and the cost of bringing up and educating a child for as much as fifteen to twenty years or more of his life without any return, means that the economic grounds for a mutual need of the generations have passed with the times. In short, the economic roles, the obligations and responsibilities, the rewards, even the power relations between the young and the old, are only shadows of the recent past. The powers and responsibilities of each are unclear and tenuous. Indeed, in some respects, the relationships have been completely reversed. A factor which threatens to take from youth its sense of importance and usefulness - its sense of being needed - is threatening vast numbers of the adult society as well, for the automated machine has made all too many able-bodied men in the prime of their lives face an uncertain future of chronic indigence and insecurity.

Youth, itself, feeling insecure because of its marginal position in a society that no longer depends upon it for economic survival, is tempted to use the power this reversal between the generations has conferred on it to be accuser and judge of its elders. Hence, we witness the ubiquitous pattern of rebelliousness in present-day youth. This rebelliousness is manifest, to be sure, in a plurality of ways by different kinds of deviant patterns, including on the one hand, crime and delinquency, on the other hand, radical

and conservative political activism of every hue, and still again, a variety of Bohemian life-styles. The Free-Speech Movement at Berkeley included supporters of Goldwater, Johnson, as well as radicals of the extreme left. But, nevertheless, these patterns are inclusive of the broad reaches and more numerous conventional elements of the whole world of youth. We are becoming increasingly aware of the existence of a variety of subcultures which are a product of the problem-solving disposition of human groups when confronted by specific and recurrent life problems. These are, in turn, a reflection of both the broad encompassing and the narrow and specific changes in the social and economic situation confronting young people in general, and in particular, as members of differentiated cultural, economic, and racial groups.

While it is true that only a small percentage of young people participate overtly in acting out the spirit of rebellion, many more are vulnerable and the general spirit of rebellion may well extend to greater numbers. The result may be a profound modification of the traditional patterns of power and authority. This is already indicated by the increasing incidents of attacks upon the police and other symbols of power and authority by young people.

American society has been developing a complex of subcultures which are driving it apart into local communities and groups, and in which the members are interacting among themselves and producing their own distinctive norms and values. These are the current subcultures of youth, of race, of suburbia, and of income (high and low). It is the reality of these subcultures which is so confounding to the established institutional structures and those who man them. It is not that there is a culture of crime. It is that there is such a plurality of subcultures that the problem of the individual's adjustment to commonly-accepted norms is confounded and that deviance and opposition to law and authority are generated as a matter of course. Crime, delinquency, disrespect for law and the police are its logical accompaniment. We must develop means for modifying and preparing personnel to play quite new and meaningful roles.

In short, the demonstrations of the current day and the eruptions of a racial or youthful nature are evidence that we are at a critical juncture in the history of the United States and the development of its communities. That juncture is the emergence of a new kind of community - the metropolitan community which is not merely a bigger place, not merely a change in population size nor in geographic location. The distinguishing features of the new metropolitan concentration is that it represents a whole new set of human relations, and those human relations are the necessary conditions of action of the law and the police. The new community cannot be policed in terms which were appropriate to the village communities or to the urban centers which preceded the new great and complex metropolitan centers.

The remedy of the failing respect for law is not a simple one, but the sober admonitions of Dicey and De Tocqueville point the way. In our democratic system, the power to make and implement the law lies with the majority of the community. It is to the majority that we must look in remedying the insensitivity and intransigence of the society in its relation to the groups who live marginal to the centers of power. The young, the poor and the minor-

ity groups have frequently viewed the law as not of their making or to their interest; like unto the law of a foreign power and the police as an army of occupation. Those who are thrice defined in their exclusion and deprivation - those who are young, those who are poor, and those who are of minority status - have been sharpest in their protest, most militant in their behavior and least respectful of the law.

As Dicey observed, "Men come easily to believe that arrangements agreeable to themselves are beneficial to others." In going our separate ways and abandoning so many to an excluded life of deprivation we are realizing the selfishness of individualism of which Tocqueville forewarned the democracies. This individualism has its extreme expression in the polarities of youth and age, of black and white, of the affluent and the poor.

The remedy for disrespect for law is not to be found in merely admonishing the populace, and seeing all who oppose it as without reason. The remedy will require far reaching structural changes in social institutions, one of which is necessarily the police. It will be found in a greater dialogue and a fuller participation in the counsels and decisions of the majority by those who have been and continue to be excluded from the making and implementation of the law. The remedy is in "just laws," democratically designed and sensitively enforced.

Recent incidents in cities throughout the U. S., while undoubtedly an expression of complex relationships between minority groups marginal to and in considerable measure outside the mainstream of American life, emphasize the need for a re-examination of the traditional relationships between the police and the communities they are presumably serving. Sub-groups of the society experiencing minority status and reflecting differentiated statuses of youth, low income, and ethnicity are actively expressing their concern over rights denied them and the deprivation attendant upon such denials.

①

JDL

ACCOMMODATIONS DUE TO CIVIL DISTURBANCE

1. Additional manpower
2. Tactical training (small groups of officers moving against crowds)
3. Tactical training (tactics to disperse crowds)
4. Discretionary (withdrawal) enforcement (no summons for joy walking; let fire hydrants on)
5. Intelligence program
6. Extend intelligence (in the groups)
7. Develop channels of communication with community leaders (minority ministers).
8. Develop channels of communication with informal group leaders (street leaders, hoods, convicts)
9. Identify hot spots
10. Stockpile equipment: helmets, shotguns, sniper rifles, gas masks
11. Look at riot procedures
12. Individual patrolmen to be available on 24 hour duty - via telephone
13. Support functions - other agencies
14. Take stock of personnel - who to put in and who not to put in
15. Systematic (and unsystematic) replacement of older men by younger in hot spots
16. Other governmental organization contacts (Non-police)
17. Integrated patrol cars - for visibility
18. Speed up recruitment of minority group members
19. Review possible, applicable laws (loitering, concealed weapons)
20. Stop and frisk - looking for arms
21. Tighten up on curfew enforcement
22. Learning, reexamining cultural views of groups and accommodating to them
23. Lean on Community relations unit
24. Crash training program in police community relations
25. Press relations

26. Planning for anticipated flare ups and troop deployment
27. Design for meetings, demonstrations, and parades
28. Training and arming of auxiliary police in some areas - disarming of auxiliary police in some areas
29. Police dealing with socio-economic problems
30. More central staff meetings
31. Develop new ways to recruit minority personnel
32. Listing and involving youth leaders (white helmet) in developing informal self-policing
33. District police-community meetings
34. Re-evaluate civilian complaint procedures
35. When do we shoot?
36. National guard on reserve (for use if needed)
37. Revert to traditional (and proven) methods as riots erode values of "progressive" ideas
38. Show of force
39. Unmarked cars as against marked cars (don't show force)
40. Change in policies - re: off-duty guns

2

JDL

IMPACT OF CIVIL DISTURBANCES ON POLICE ORGANIZATION

1. Observations of concern among men (pre-post)
2. Changes in training - examine curriculum (content analysis)
3. Changes in Police-Community Relations (content analysis)
4. Changes in equipment procurement
5. Changes in organizational changes (overall and in precincts)
6. Changes in police procedures (e.g. dogs, field investigations)
7. Changes in department General Orders and Special Orders
8. Changes in mutual aid (agreements between departments)
9. Changes in recruitment (#'s, types, etc.)
10. Participation in grants, training programs, etc.
11. Turnover (early retirements, resignations)
12. Community attitudes toward the police
13. Community contact (speeches, etc.)
14. Police Administration Conferences (content)
15. R and D of new gear (helicopter, gas)
16. Police budgets (increase in amount of money)
17. Legislation passed
18. Court decisions
19. Negro movement v. other protest movements (Peace)
20. Ability to assess motives of protest groups and actions they will take

HARVARD UNIVERSITY
FACULTY OF ARTS AND SCIENCES

DEPARTMENT OF GOVERNMENT

CAMBRIDGE, MASSACHUSETTS 02138

December 26, 1967

Paul G. Bower
National Advisory Commission on Civil Disorders
1016 16th Street
Washington, DC 20036

Dear Mr. Bower:

I have your draft memo on "The Police Role in the Prevention of Civil Disorders."

It is a thoughtful, well-written, and generally balanced presentation of a difficult issue. I have little quarrel with most of its major recommendations, such as those concerning Negro recruitment onto police forces, policy guidelines for the police, police-community relations programs, and the like.

I do have some questions, however, about the introductory material. My fears are several--that items incautiously expressed will be lifted out of context by the press and given sensational treatment, that the role of the police as a causative factor in riots will be exaggerated, and that (unintentionally) a double standard will be suggested whereby those persons prone to riot are given preferential treatment over those (of all races) anxious for peace.

To be specific:

Page 1, first sentence: This comes very close to saying that the police caused 18 out of 23 disturbances. Later on, the statement is qualified properly. But this is the sentence that will get the headlines. I think it should be revised, & the point made less boldly.

Page 3, page 12, page 16, page 17: The memo quotes several surveys of Negro opinion of police practices. Without saying so, the memo implies that if so many Negroes think these things are true, they must be true. Indeed, on page 13 it refers to "the magnitude of the problem and on page 19 to "brutality, harassment, and inadequate protection" as if the "magnitude" of these "problems" had been established beyond question. But the surveys establish only what some people think. Surveys taken among police officers, or whites living in ghetto areas, or whites living elsewhere would show very different results. There are two reasons for not relying so heavily on opinions--first, opinions differ, or may be in error. And the persons with the most anti-police

HARVARD UNIVERSITY

FACULTY OF ARTS AND SCIENCES

DEPARTMENT OF GOVERNMENT

CAMBRIDGE, MASSACHUSETTS 02138

Page 2

views (young males) are precisely those who least deserve to have their opinions taken seriously. They are not only the most anti-police, they are also the most prone to commit crimes, to engage in disturbances and riots, and to hang around on street corners. Second, we may not be able to do much about opinions. The more progress we make, the more people expect us to make. If all the recommendations were adopted tomorrow, anti-police feeling in this group would probably be as intense a year from now as it is today. Indeed, do we have any evidence that there is less anti-police feeling in cities (such as Atlanta) which reputedly have good community relations programs than in cities (such as Milwaukee) which reputedly have poor ones? I suspect not. Cops and kids have always disliked each other and always will, especially in low-income areas of whatever race.

Page 11: The word "harassing" is used repeatedly. What does it mean in this context? More important, the memo gives no indication that its authors are aware of the problem of crime prevention and its relation to the ability of the police to detect "suspicious" activity. Young people are more likely to commit crimes than older ones, Negroes more likely than whites, low-income persons more likely than upper-income ones. Properly done, for the police to stop and question such persons more frequently than others is good police practice, statistically justifiable, and not the result of prejudice. Improperly done, of course, it is another matter, and I am in sympathy with efforts to increase the level of propriety.

Page 17: The crime statistics cited here for Chicago do not prove that Negroes get less police protection than whites. Most of these crimes cannot be prevented by the police no matter how much protection they provide. I do not know about New Haven and Cleveland, but most cities with which I am familiar put disproportionate police resources into high-crime (that is, ghetto) areas. Indeed, most big departments assign men to beats on the basis of crime rates and calls for police services. I would guess that New Haven and Cleveland are atypical, and this should be indicated.

HARVARD UNIVERSITY
FACULTY OF ARTS AND SCIENCES

DEPARTMENT OF GOVERNMENT

CAMBRIDGE, MASSACHUSETTS 02138

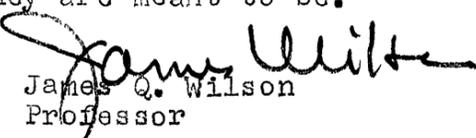
Page 3

Page 14, page 22, page 39: You give no evidence that the costs of "aggressive preventive patrol" in terms of tensions outweigh the benefits in terms of the suppression of street crimes. On page 39 you indicate that there may be two sides to the question, but the sentence is written so as to imply that only one side need be taken seriously. You may be right. I have mixed feelings about street patrol methods. But I think that the issue is so important that we cannot treat it so superficially. If there is evidence on the costs and benefits, let us see it. If not, we should say so. Finally, there should at least be some recognition of the fact that meeting the objective of increased police protection necessarily involves police tactics which will be perceived by some as increased harassment. No "policy guidelines" and no hiring of Negro officers will eliminate this tradeoff. We should keep in mind that for the vast majority of Americans, crime is a more serious problem than racial disorders. Let us be very sure that in the name of reducing the chances of a riot we do not urge the abandoning of any police method that seems at the moment unpopular. (And again: is there any evidence that ghetto residents are ~~happier~~ happier in cities which do not use preventive patrol tactics than they are in cities which do?)

Page 22, item 4: The ghetto cannot be made as safe as the rest of the community without virtually totalitarian police methods. Murder is a private crime. It is a lower-class crime. As long as there is a lower-class (i.e., a slum), there will be more murders in the slum than elsewhere--unless a cop stands ~~guard~~ guard in every bedroom.

Page 24, top: If ghetto residents should have a voice in the screening process, ~~then~~ whites should have a voice in the screening process, also. If we give to Negroes the right to pick police officers who are suitable to them, we should give anti-Negro whites the right to do the same. This kind of political intervention in police departments has in the past invariably led to a loss in morale, corruption, bargaining over jobs and duty assignments, double standards of justice, and the like.

I hope these comments are helpful--they are meant to be.


James Q. Wilson
Professor

UNIVERSITY of PENNSYLVANIA

PHILADELPHIA 19104

January 12, 1968

The Law School
3400 Chestnut Street

Mr. Paul G. Bower
Assistant Associate Director
Public Safety
The National Advisory Commission
On Civil Disorders
1016 16th Street, N. W.
Washington, D. C. 20036

Dear Mr. Bower:

I think the police draft that you sent to me on December 18 is in good shape substantively. I do think it needs a great deal of editing in order to have a sharper impact.

I have the following specific comments:

✓ Page 1, line 13: I am not clear what you mean by "the adversary nature of the prosecutorial function", as a disadvantage.

✓ Page 2, line 6: I would add: "and the deprivation of personal liberty".

✓ Page 6, lines 4 to 6: It might be unimportant but I believe there were about a dozen riots in the first half of the 20th century.

✓ Page 9, line 2: I assume you mean the police task force report. In some places you refer to just a task force report and in other places to the police task force report. You might want to make this uniform. References to the task force report appear at pages 9, 10, 11, 25a, 28, 34, and 35.

✓ Page 16, lines 12 - 15: The hard look would have to determine in the first place if there are any gains, and these gains should not be measured merely in terms of numbers of arrests. A quality judgment as to the types of arrests being made is also indicated. The reference to confiscated weapons as a gain is disturbing in the sense that the confiscation process is most likely to proceed from illegal searches and frisks. Once the fact of some measure of gain has been established, then that gain can be contrasted with the losses.

Mr. Paul G. Bower
January 12, 1966
Page Two

✓ Page 21, last 6 lines: The meaning of this paragraph is unclear to me. Other than in terms of internal family violence, I am not sure what the term "internal deviance" means. Also, I am puzzled by the reference to an "armed citizenry". Are you including home owners who under most of the present regulations have a right to possess firearms in their homes? Isn't it the white community which is arming itself to alarming proportions. I suppose the point here is that the programs should not have the unintended effect of treating the Negro community as a place where crime that is not tolerated by the white community will be overlooked in the Negro sections.

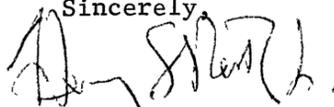
✓ Page 23, line 4: I would add the word "only" after "complaints", if that is the case.

✓ Page 26a, 7th line from the bottom: It is not such force as he can bring to bear; he is permitted only reasonable force under the circumstances.

✓ Page 41, lines 4 - 5: You might want to add that a minor conviction record such as for vagrancy, loitering and disorderly conduct, should not in itself bar employment.

I do have one request to make of you. Whatever I am -- a consultant, or advisor or an informal sounding board -- I hope that you will be able to send me a copy of the Commission's final report or reports.

Sincerely,



Henry S. Ruth, Jr.

HSR, JR:pam

Department of Sociology · UNIVERSITY OF ILLINOIS, Urbana 61801

January 10, 1967

Mr. Paul G. Bower
Assistant Associate Director, Public Safety
The National Advisory Commission on Civil Disorders
1016 16th Street, N.W.
Washington D. C. 20036

Dear Mr. Bower:

The revised draft is very much better. My comments are mainly minor. First, a few suggestions by page.

Page 14. Shouldn't the list of those with an "equity" in the community include "Steadily employed workers"?

Page 18. Second to last sentence I suggest -- "Because of the large number of serious calls that originate from ghetto residents, there is a tendency on the part of police to respond less vigorously to certain types of calls received from given areas".

Page 19. Third line insert "may" before receive.

Page 34. First sentence, better if it read -- to maintain a racist status quo--

Now to a more important comment. It centers on Section 2. The Problem of Police Protectors. The dilemma here shows up in the contradictory character of the recommendations. On the one hand the "neglect" of less serious matters because of the frequency of more serious ones is seen as one source of hostility. On the other (p. 22) police are urged to stress response to crimes that threaten life and property.

The simple fact seems to be that there is just too damn much crime in parts of ghetto areas. Now some departments neglect even their basic duty to respond to serious crimes but even a relatively well run department, e.g., Chicago, will tend to be "routine and stereotyped" about minor calls. Moreover, this may very well be a good thing. Given the level of serious crime in some ghetto areas, prompt and effective response just to serious matters will create an unavoidable "heavy" presence of the police. If they also work hard at drunks etc. the situation may become intolerable.

This comment points up the most significant general lack in the draft. There is little general discussion of the high levels of crime in many ghetto areas. Coupled with this is a lack of mention of the fact that in their community relations efforts the police have the responsibility of reporting to ghetto citizens the rationale for the concentrations on serious as opposed

Page 2
Bower

to minor calls. Correlatively the police have a right to expect some effort on the part of ghetto leaders to work responsibly to reduce crime.

What this all boils down to is that the police are on the one hand required to manage large segments of social life that in other areas are "private" while on the other hand they are resented because of their (often heavy handed) attempts to do so.

✓ Perhaps on page 2, after "--hope and faith" (of which we are all going to need much in the next ten years) might be added, "The police are often drawn in to fill this gap in local institutional life while simultaneously being resented for the very ubiquity which this effort entails".

Sincerely,



David J. Bordua,
Professor

DJB/eca

W. Lawrence

DEPUTY ATTORNEY GENERAL
WASHINGTON, D. C. 20530

January 29, 1968

Dear David:

Enclosed are comments by members of our staff with respect to Part III of your draft report ("What Can Be Done?"). You may wish to have one of the members of your staff review these comments.

With best regards.

Sincerely,

Warren

Warren Christopher

Mr. David Ginsburg
Executive Director
The National Advisory Commission
on Civil Disorders
1016 16th Street, N.W.
Washington, D. C. 20036

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Deputy Attorney General

DATE: January 24, 1968

FROM : Office of Law Enforcement Assistance

SUBJECT: Civil Disorders Commission Draft Report--Part III, "What Can Be Done"
--Chapters 10 (Community Response), 11 (The Police), 12 (Administration
of Justice under Emergency Conditions), 13 (Media of Mass Communica-
tions) and Supplement (Public Safety)

We have reviewed the draft volume, excluding the mass media chapter, with special emphasis on the relation of findings and recommendations to law enforcement practices, standards, and reform thinking.

In general, the draft is a balanced document which exhibits understanding of law enforcement issues and problems. It sees the strong preventive and "reaching out" role which we consider important in urban policing and police-community relations. When sensitive points are made, an awareness of law enforcement implications is usually exhibited and qualifications are frequently offered to show that that same brush is not being used to paint all practices. Notwithstanding there will be those who consider the report unduly critical of police in several of its findings and a fairly large number of negative observations about police practices, however valid, may contribute to that impression. Perhaps the most that can be done here is another general review for "tact" in handling difficult subject matter.

There is heavy reliance on the report of the President's Crime Commission and consistency with its findings (e.g., written guidelines for police discretion, the concept of the subprofessional "community service officer," intensified police recruitment of Negroes from inner-city neighborhoods).

By way of critical reaction, we felt uncertain on several points as to where the Commission stood, sometimes stemming from endorsement of potentially conflicting values without adequate particularization of where the line was to be drawn and sometimes by a lack of specifics in its recommendations. Law enforcement administrators may see insufficient concrete guidance--and perhaps confusion--in these areas (e.g., insistence on equal law enforcement for the ghetto against an admonition to relax patrol practices there--the point has merit but should be explained better to avoid misunderstanding).

Here are some specific comments:

Chapter 10 - The Community Response

No comment, other than that this seems rather general for the intensive examination which has undoubtedly been made in this area.

Chapter 11 - Prevention of Disorder: Relations with the Community

(1) Motorized Patrol (pp. 12-16). The Commission wants to get the patrolman "out of the car and into the neighborhood." The points are well taken but the Commission would do well to more explicitly state in the patrol section that it is not denigrating the concept of motorized patrol which is a must for modern policing. As the President's Commission stated: "The extreme mobility and coverage provided by motor patrol compels its use, despite losses in neighborhood contact." To clear the air on this might avoid misunderstanding and provide better receptivity to the exceptions that may be warranted in the ghetto and to solutions which retain both values (motorization and community contact through the "community service officer"). Also, the attack on aggressive preventive patrol (3d par., p.16) is somewhat cryptic and might be amplified.

(2) Grievance Mechanisms (pp. 22-26). This is a sensitive area for law enforcement but the Commission solution should generate no special problems. By avoiding "review board" endorsement and outlining a procedure that involves an external, independent unit to handle and investigate grievances against all municipal agencies (including police), police administrators may disagree on administrative grounds but not feel the extreme hostility generated under arrangements where they are singled out for special external controls and surveillance. One textual change that would soften a relatively sharp statement but not alter the point would be to change "notorious" to "considered notorious" on p. 23, line 8.

(3) Police Misconduct (p. 16). Included in the Commission recommendations (reassigning officers with bad ghetto reputations, assignment of best officers to ghetto, new reward system to recognize good preventive as well as apprehension work by officers) is the suggestion that there be special incentives for ghetto work--pay bonuses or special credits for promotion. Any formal position on this should be approached with caution, if not based on objective job demands like continuing overtime which distinguish ghetto tours from other beats or assignments. We think it might be met with hostility and as an intrusion on good administrative and personnel practices. Also, the references to "reward system" in another recommendation is a sociological term which, if used, should be further explained.

(4) Police Misconduct (p.15). Re the recommendation for reassignment of officers with "known bad reputations," the choice of words may imply that a good officer with an unjustified reputation may be within the group. Police will be sensitive to this and perhaps the wording should be amplified to make clear that it covers poor performers. This is hinted at later in the paragraph but might be strengthened.

(5) Policy Guidelines (p. 29). Recommendation (d) calling for guidelines on investigative practices calls out for some examples even though the draft states that a particular investigative method is not recommended. Also, in (a), a citation should be given for the Crime Commission reference.

(6) Recruitment, Assignment and Promotion (p. 39). Does a requirement for a high school diploma or equivalency really set a standard "too high in terms of the need for recruiting members of minority groups." This might be resented as an unfair intrusion on professional standards just beginning to take hold. (On page 40, 3d line from bottom, the intended word appears to be "inflexible".)

(7) Community Service Function (p. 42). The draft takes a positive stand on this police role but the hard choices will turn on which "service" functions should be handled. The President's Crime Commission makes a good distinction between service functions which contribute to community support and those which involve neither policing nor community help, e.g., tax collection, licensing, dog pound duties (Challenge p. 98) and this might well be reflected in the draft to illustrate what should not be done along with the positive examples.

(8) Community Service Function (p. 44). An example of the order of "additional pay" envisioned to keep retirement age men on the force might be offered since this obviously involves exceeding normal in-grade regular pay maximums.

Chapter II - Part 2. Control of Disorder: Public Safety

(1) The Use of Force (p. 28). This page ends with a statement to the effect that how much force constitutes the minimum necessary to control a situation cannot be measured by a verbal formula but that there are "certain criteria which can be helpful." The discussions are left hanging here and there is no immediate elaboration of what these criteria are or reference to where they are set forth unless this is considered to be covered in the subsequent discussion. If the latter is intended, the connection is not sufficiently apparent.

(2) Police Weaponry (p. 28). The second paragraph indicates that photographing looters or subjecting them to harmless dye sprays should discourage the evidently large number of looters "who participate for little reason other than the fact that it appears to be 'open season' for theft." The basis for this conclusion should be set forth.

(3) Justification of Deadly Force. The wording of the first sentence seems rhetorical and possibly unclear in relation to the discussion, i.e., "the American public must also ask itself whether a democratic society . . . can countenance the physical injury or killing of a person without due process." The reason given in the last sentence on the page for not condoning deadly force except where necessary to

prevent bodily harm or for grave and immediate threats to public safety may weaken the proposition, i.e., "in light of the changes that have occurred in recent years to restrict if not eliminate capital punishment." This whole section could be strengthened.

(4) Community Assistance in Disorder Control (pp. 32-36). This is one of the instances where the Commission's position or even preferences are difficult to discern. It states pros and cons but gives little guidance, e.g., the concluding sentence "These risks notwithstanding, mayor and police officials will find it necessary to make a careful assessment of the situation before denying the participation of volunteers in control activity."

(5) Political Alternatives (p. 40). The discussion on mayor-chief responsibilities would be usefully clarified if specific examples of decisions and authority normally reserved to mayors and chiefs were set forth. Also, the analogy on page 41, "the same applies at the State level" doesn't answer the delicate problem of governor-mayor roles which, although briefly addressed in other sections, might be touched upon here.

Chapter 12 - The Administration of Justice Under Emergency Conditions

(1) Booking and Recordation (p. 21). In this discussion, the U.S. Department of Justice multiple-use form for large demonstrations is specifically recommended as a prototype.

(2) Bail (p. 25). The last paragraph stresses the importance of community groups taking summoned petty offenders "into their homes and community centers away from the riot scene to assist in preventing their renewed participation in the disturbances" and suggests that booking and detention officials make custody by such groups a condition of release in doubtful cases. If there are any precedents or models that might be described, this would help provide guidance in what will to many be an unfamiliar technique.

Supplement to Public Safety

(1) Planning (pp. 9 & 15). The text includes suggestions that the Department of Justice disseminate and sponsor training on the Commission's model mobilization and operational plans. This seems an appropriate role for OLEA or any successor office.

(2) Training (p. 22). The text endorses federally-financed training such as now being conducted in the 14-workshop series sponsored by the Attorney General with LEAA monies and also recommends a federally-financed "national clearinghouse for riot control information" to permit "the dissemination of riot control doctrine and experience, and to develop new aids for training in the prevention and control of disorders." Other federal assistance efforts explicitly endorsed are the funding of

"portable radio development programs for the police" and aid for testing, evaluation, standardization and development of non-lethal weaponry and related control equipment. These are both legitimate "r&d" efforts and might well be programmed into our research assistance plans.

(3) Inter-City Planning and Agreements (p. 101 et seq.); Inter-State Mutual Assistance Agreements (p. 108 et seq.). Here, again, the Commission's position and preferences could be more clearly stated. In particular, after considerable discussion (negative) about the problems of Inter-State Mutual Assistance, the Commission seems to conclude that it is an alternative that "must be considered."

VIEWS OF ONE STAFF
MEMBER IN POLICE

Staff Member Observations - Police
Reaction to Chapter 2 of Volume III
"Relations With the Community"

GRANTS
CONCERNED
WITH WHOLE
TONE OF DRAFT

While most of what is said is good and useful and helpful, it is often naive, largely negative and its language is frequently abrasive. If it is published in its present form, I think it will cause an explosion in the police world and feel it may do more harm than good.

Perhaps, if a policeman with something like Pat Murphy's sagacity could spend a day or two with it, it might be improved quickly, but I feel also that there should be more research and experimental and progressive new programs and concepts should be reflected in the suggestions. As it stands now, only a very few pages refer to such preventive experiences.

I think the specific citations of complaints about the various city departments are explosive as cited, particularly, those on pages 22 and 23 where the complaints referred to are those of "ghetto residents," "a Negroes' citizens group," "a civil rights commission," etc. I think in several instances their statements also should be checked for accuracy. For instance, it is alleged that San Francisco "dismembered" its police-community relations program; while there is an element of truth to such a statement, this is a terrible oversimplification of a very complex situation. Similarly, Cincinnati Police Department is alleged to have requested \$500,000 in anti-riot devices and nothing for community-relations work. I assume this refers to their requests to the City Council, but in any case, I am sure that the chief there would angrily respond that he has standing a \$15,000 application with OLEA in police-community relations, which is indeed the case.

I am concerned that some of the basic issues of police responsibility for situations outside the conventionally accepted police field of activity are not properly addressed here. A major sort of suggestion at the Airlie House conferences is the realization on the part of the chiefs that they are in fact community leaders of a very broad dimension and that under the category of prevention many new avenues of activity must be pursued. In a special paper to the Riot Commission, David Bordua pointed out that the police have become "the social garbage men of the community" and often undertake dirty work of other agencies such as schools and welfare while said agencies remain aloof and even antagonistic to police functions. Bordua's suggestions generally suggest that the police re-involve citizens and citizen agencies in law enforcement concerns.

Such avenues of discussion are not reflected in Chapter 2. Instead, there is the usual repetition of complaints about brutality, misconduct, and harassment and a rather ringing call for a quick halt to all malpractices, occasionally the rather naive terms; i.e., in reference to improved recruitment of Negro police at the bottom of page 37. The report says blandly, "in the opinion of the Commission, these problems can be overcome provided that intensive effort is made."

As a miscellaneous note -- Atlanta is mentioned as having an excellent community services program and is the only one cited. In view of the fact that the Atlanta Police Chief is a member of the Panel and that there are other programs as good or better, I think this as the sole suggestion is of questionable judgment.

On page 40 there is a note that police aide programs are now underway in Los Angeles, Baltimore, New Haven, and Chicago, I am fairly sure that this is not correct in all instances.

Finally, I think there should be a statement that many of the goals sought here are long range ones (i.e., recruitment; increase of high ranking Negro policemen) and that there should be special efforts made at short-range programs to cure some of the most difficult problems and to buy time until some of the longer range efforts can come to fruition.

Other concerns: Personal and conspicuous commitment of chiefs and efforts by them to contact militant leaders directly has proved beneficial in several cases; i.e., Los Angeles, Oakland.

Re recruiting: our Chicago Police Department -- University of Chicago study indicates possible valid new bases for testing applicants; i.e., capability to deal with human situations seems to be proving a more useful factor than I.Q. as scored in conventional testing.

Rec'd
12 26 67
11:50 AM

UNIVERSITY of PENNSYLVANIA

PHILADELPHIA 19104

December 22, 1967

The Law School
3400 Chestnut Street

Mr. Paul G. Bower
Assistant Associate Director
Public Safety
The National Advisory Commission
On Civil Disorders
1016 16th Street, N. W.
Washington, D. C. 20036

Dear Mr. Bower:

In reply to your request of December 18, I have the following comments as to the first revised preliminary draft of "The Police Role in the Prevention of Civil Disorder":

Page 1, first sentence: I think the first sentence is liable to misinterpretation particularly in light of the explanation that follows. It strikes me as a particularly dangerous opening in that the media would probably pick it up out of context.

Page 2: There seems to be an omission at the bottom of the page.

Page 3-4: I think you could list better examples of the injustice of the criminal justice system at the top of page 4. For example, the inherent discrimination of the bail system; the impersonal, crowded, undignified and mass-justice dispensed by lower criminal courts; the lack of effective counsel; disparate sentencing practices; lack of correctional services; and corruption. In other words, to the negro, the whole system appears to be stacked for a finding of guilt.

Page 7: A minor point, there is no "the" before "administration" in the title of the National Crime Commission.

Page 9: Despite our agreement with him, Professor Al Reiss at the University of Michigan has never released his complete findings as to physical police brutality. Your information would be more complete here if you could shake this out of him. In addition, you could make the point after the last sentence on page 9 that physical police brutality as found by the Commission observers was really directed at the poor, whether white or black. Finally, although you would not want to state absolute facts on the basis of projections, you might want to point out that three-tenth's of one percent of all police contact with citizens in an urban area in the course of a year would involve a high volume of instances of physical police brutality.

Mr. Paul G. Bower
December 22, 1967
Page Two

Page 10, line 8: I think the term "alley justice" is more common.

At page 10, line 10: Do you have a factual basis for singling out the South as being a place where physical brutality is more important than other kinds of misconduct?

Page 10, lines 14-15: Do you not want to reflect positive condemnation rather than merely condonement? You may also want to discuss here the proof problems in physical brutality charges such as the fact that it's usually just one man's word against the policeman's word, and also, just as important, the fact that prosecutors and police will institute criminal charges and then agree to drop them only if the citizen signs a civil release.

Page 14, first paragraph: I think the practice of aggressive patrol is not necessary or even primarily limited to roving task forces. Isn't it true that in many cities the ordinary beat patrolman is expected to participate in these practices and file a minimum number of stop-and-frisk reports for each tour of duty?

Page 14 at the bottom: You appear to be suggesting in the last paragraph that crimes like burglary, robbery, and narcotics offenses are no longer major problems. It seems to me that the pressure on the police because of the high incidence of these crimes is as strong as or stronger than it ever was.

Page 16, line 8: The word "there" is confusing in this sentence. Does it refer to the white community or the ghetto community? Isn't the real complaint that police spend all their time in the ghettos enforcing minor crimes such as drunkenness, loitering, vagrancy and petty gambling and fail to respond to the more serious crimes such as muggings and violent family episodes.

Page 18: The quote from the Civil Rights Commission is very confusing and very difficult to follow. Would it be better to paraphrase it?

Page 19, at the top: To make the discussion that begins with the second sentence clearer, you might want to put in an early sentence making the point that negroes believe one cause of crime to be the lack of adequate police protection; in fact, it might be best to re-write the material at the bottom of page 18 and all of page 19. For example, the sentence beginning on the ninth line on page 19 is much too severe a limitation on police responsibility when placed in the context of your entire scheme of recommendations for the police. The discussion here should point out the really difficult dilemma of injecting more police

Mr. Paul Bower
December 22, 1967
Page Three

in the ghettos in response to demands for higher enforcement levels and the consequent raising of the odds that explosive police-citizen incidents will result.

Page 21, lines 4-5: Do you intend to accept by implication the policy of giving lie detector tests to citizen complainants? Should the test also be given to the policemen?

Page 22, at the top: I don't think the first sentence says what you want it to say. You don't want to minimize the impact of field practices, just the discriminatory and tension-producing aspects thereof.

Page 23, paragraph (a): Should not the officers, when known to have bad reputations, also be subjected to disciplinary procedures?

Page 24, lines 4-5: I think you want to be more specific as to what you mean by "the voice in the screening process". The police are going to scream holy hell and completely ignore your recommendation unless it is more specific.

Page 39, lines 1-2: I think you could omit "task force".

Page 43: You might want to make the point in paragraph (c) that the greater manpower allocation in the ghettos should be concentrated on the crimes that the community views ~~as~~ seriously interfering with normal day-to-day activities and should not be used to afford greater opportunity for enforcement of the minor status crimes that create so much resentment.

Page 52, second full paragraph: Is the specialized agency separate and apart from all other agencies? Is it itself a municipal agency?

Page 52, 5 lines from the bottom: Your point here is really that a complaint should be fully investigated and findings made on the merits through a full hearing process. That is, there is a much more basic concern than just ~~the~~ seeing that the matter is taken seriously.

In appendix A, no figures are given for Chicago, Los Angeles and New York City. I hope that that gap is filled.

Over all, I think that the draft is well organized and covers all the major points. If this is to be a replacement for Professor Remington's paper, I think there is a certain loss of impact in this draft of the points made by Professor Remington as to the serious gap of knowledge and understanding between policemen on the one hand and ^{state} citizens on the other. I think also that your draft lacks sufficient discussion of Professor Remington's point about how intense enforcement efforts as to certain crimes, such as petty vice, create needless tension and harassment.

Mr. Paul Bower
December 22, 1967
Page Four

Although I feel the draft is a good one, there is one basic problem that bothers me considerably. We were writing the National Crime Commission Report in an atmosphere that seems to me to be quite different from the present one. I am only guessing, perhaps your studies found otherwise, that the riots of last summer created a major change in the police and ghetto attitudes. If so, this change is not reflected in the draft. For example, whereas the police were much on the defensive two years ago, it seems to me that they now feel that they have public support for repressive measures. Their traditional values and outlook have been reinforced by the riots. In addition, they seem to me to see the communist party behind every demonstration, let alone a riot. All these factors appear to have increased the polarization. Finally, the possibility of riots require such planning and preparation so as to divert police attention from ~~the~~ community relations. ~~aspect.~~ On the other hand, during the last two years in the ghettos the rise of militant forces may have decreased the possibility for a rapprochement between the police and the community. A good example appears to be in Detroit now where Reverend Cleave's followers are fighting with the traditional negro leadership. In other words I get a sense that we are going downhill rather than uphill in the past year or two and, if your findings so agree, it is an extremely important point that should pervade your draft on the police role.

Finally, I think the draft needs editing, but I am sure you intend to do this once the substantive statements are in final form.

I've given the other draft as to statutory needs to the Law Review editor and you should have his comments by December 27. Please feel free to call upon me at any time.

Sincerely,



Henry S. Ruth, Jr.

HSR, JR:pam

Memorandum from

JAY KRIEGLI

Assistant to the Mayor

Arnold Sagalyn

Do you think this
makes any sense

Jay

Police-Community Relations: An Approach

1. Increasingly, police authorities recognize sound community relations as an essential prerequisite to effective law enforcement. It is not a specialized element of police work, but a basic component of law enforcement effectiveness.
2. Police community relations programs seem misguided to the extent they are conceived as special phases of police work: special lectures, special programs, police officers on special assignment. Police-community relations is not the specialized work of a few men, or the part-time task of all. It is an integral part of the daily work of each man on the force. Improving police-community ~~relations~~ relations must be a full-time assignment of each man on the force.
3. How can we influence the conduct and attitudes of the members of the force and encourage certain kinds of affirmative ~~behavior~~ behavior? It will not be done by lectures and training sessions. Realistically, it can best be done by use of the departmental "reward system."
4. The "reward system," both formal and informal, is the primary way in which members of the police force are encouraged to pursue certain patterns of behavior. In New York City, the formal reward system includes:
 - a. Departmental awards are given for heroic acts or meritorious acts indicating extraordinary courage, ingenuity, or intelligence;
 - b. Departmental awards, given for the above reasons, carry with them promotional credit toward the next highest civil service rank;
 - c. Departmental awards are given for clusters of arrests, such as two felony arrests for narcotics violations within one year;
 - d. Precinct commanders are authorized by regulation to permit a patrolman who makes a good arrest to be excused from one tour of duty; and
 - e. Among the prominent criteria used for the selection of detectives and plainclothesmen is "arrest activity."

~~5x~~ Informal rewards, such as duty assignments, which are usually at the disposal of the precinct commander, are perhaps the most influential tool. They are apparently based on the same general criteria as the formal rewards.

5. What emerges from the above is a clear indication that police officials regard heroism and arrests as by far the most important attributes of police conduct.

6. There are specific cases where the Department has ~~used~~ used the reward system to encourage certain kinds of conduct. For example, departmental ~~awards~~ awards are also given in New York to any officer who donates eight pints of blood -- and he gets the promotional credit, too.

7. The reward structure takes no recognition of the public service function of the police, though it would clearly be the most direct way to encourage this form of conduct.

December 19, 1967

TO: Victor Palmieri
Arnold Sagalyn
David Chambers

FROM: Jay L. Kriegel 

I am attaching two pages from the Report of the Law Enforcement Task Force appointed by the Mayor during the period of governmental transition, December 1965,

I think some of the language here might be of some help.

Attach,
/fe

VI. COMMUNITY RELATIONS

The police alone do not possess the power to provide effective law enforcement. Solid citizen support is essential to all phases of public safety. Without information and cooperation, the police are thrown back on their own relatively limited resources. With public support and confidence, they become the active force in a city-wide fight against crime.

In a rapidly changing social context, it is necessary to take a flexible view of the police function. Differing needs and community situations may require great concern for problems previously thought to be outside the area of police activity. The great economic, social, and racial pressures generated in the slums and ghettos of today's cities, require such a major shift in emphasis. The police personify governmental authority to those hindered by poverty and racial discrimination. It is therefore not surprising that individual police officers become the focus of accumulated ills and grievances. In such an atmosphere, the improper conduct of one police officer may have ramifications far beyond its real significance. This can immensely complicate the task of police officers in ghetto areas. On the other hand, the success of the police in establishing a rapport with such a community will serve not only to aid law enforcement, but as a major source of social stability as well.

Community relations is not a part-time task of the Police Department, or a mere postscript to its traditional work. We believe that community relations is essential to all law enforcement and therefore an integral part of all police work. Improving community relations is a full-time assignment of each man on the force. We see no easy solution to police-community tensions and misunderstandings. No single procedure or program can establish and sustain healthy community relations. This can only be achieved by inculcating an attitude—a tone—throughout the force that will help facilitate a creative rapport with the public. To this end, we suggest the following programs and approaches:

A. COMMUNITY COUNCILS

Commissioner Broderick recently called for the creation of Precinct Community Councils in each of the city's 76 patrol Precincts. The initiative for forming and guiding these councils was placed in the hands of the Precinct Captain.

We endorse this action by the Commissioner. We believe that the Precinct Council offers great potential for creating community understanding and support. As the Commissioner indicated, however, the success of the councils will turn on the approach of each commanding officer. The councils should be used as a forum for the stimulation of a continuing dialogue between the police and community leaders, and as a means for unified police-community action programs. In this way, the Councils can establish avenues of communication that are likely to remain open in times of tension.

B. CIVILIAN REVIEW BOARD

A review board procedure serves two basic functions: maintaining discipline within the Department and satisfying citizen complainants. A procedure that satisfactorily performs one function does not necessarily discharge the other. We believe that the tension between the police and the citizens in many areas of this city, and the loss of public confidence in the present system, call for change in the existing police review procedure.

We support the proposal of Mayor-elect Lindsay to create a review board of four civilians and three police officers, which would replace the existing three-man police board. The presence of a civilian majority on the board, should help restore public confidence. With civilians having the controlling votes, there can be no feeling that the board would merely "whitewash" complaints. The police, on the other hand, would lack confidence in a board composed solely of civilians.

The board should have power to review civilian complaints that accuse police officers of abusing their authority or using unnecessary force. We believe that the board should have the option, in each case, of either using its own investigators or referring the case first to the police for investigation.

We believe that the board should be given complete power to establish its own procedures for processing, hearing or otherwise determining complaints. In order to make it possible to attract outstanding

citizens to serve on the board on a part-time basis, the board should be permitted to adopt flexible procedures based on its needs and experience, and should be given sufficient budget to have its own clerical and investigative staff headed by an Executive Director.

The board should be advisory to the Police Commissioner, and its range of disciplinary recommendations should include: dismissal; demotion; suspension from active duty; reprimand; or transfer.

Although we advocate a civilian review board as a means of resolving grievances against the police, we believe that the more basic need is to eliminate the danger of offensive and improper behavior on the part of police officers. This can only be met through effective administration of the Department. The Commissioner must set the tone and policy which ranking officers must, in turn, transmit down through the ranks, so that questionable behavior by any officer will be noted and corrected through the normal administrative machinery of the Department. In the long-run, it is only through continuous pressure down the line of command, maintained by the immediate and thorough investigation of all complaints and the initiation of disciplinary action where justified, that the underlying problem of police misconduct will be solved.

C. OTHER PROGRAMS

We believe that other police policies should be restudied to ascertain their effect on community relations. They include:

1. *Recruitment.* The Department should be composed of a cross-section of the entire community. Certain minority groups have tended to find police work unattractive. The roots of this response should be fully explored, and programs should be initiated which will overcome them. Qualifications should also be examined to determine if they disproportionately discriminate against any single group.

2. *Civilian Replacement Program.* Replacing police officers who perform clerical tasks with civilian personnel has the incidental advantage of bringing civilians into police headquarters and local stationhouses where they can learn first hand about problems confronting police. To maximize this effect within each community, efforts might be made to give preference to local people in assigning civilians in each precinct.

3. *Training.* The curriculum at the Police Academy, which is one of the best in the country, should be reviewed to ensure that the present lectures on the Bill of Rights, Public Assemblages, Civil Rights, Human Relations, Minorities, and Racial Prejudice successfully convey to recruits the sensitive nature of the police function in a democratic society and the fact that police must work within constitutional limits.

D. MASS INFORMATIONAL AND EDUCATIONAL CAMPAIGN

Improved police-community relations has a much broader goal than that of reducing racial tensions. It seeks to enlist the aid of all citizens in the fight against crime. On a professional basis, the police perform a security function that is the responsibility of all members of society. In its broadest sense, a police-community relations program attempts to make all citizens aware of this essential identity between their interests and the work of the police, and to make them conscious of the ways in which they can engage in crime prevention and detection incidental to their normal pursuits.

We believe that the techniques long-used to encourage traffic safety should be applied to an across-the-board informational and educational program. We have been informed that the New York Chapter of the American Association of Advertising Agencies has already laid the groundwork for such a program, which will utilize time and space donated by the mass media. Such a campaign should emphasize the many services and outstanding acts performed by police officers for the community; the police emergency phone number; the need to report all suspicious incidents to the police; and ways to reduce the likelihood of crimes, such as by the use of security devices and improved locks. We believe that this commendable act of private initiative can have significant long-range effects on public safety in our city.

all from FRR

Analysis of 23 cities selected by Commission.

In 18 cities, the disorders were triggered by police action. (78%)

Atlanta (arrest for disorderly conduct); Bridgeton, N.J. (arrest for wife beating); Cambridge, Md. (dep. sheriff firing into group of Negroes); Cincinnati (arrest for loitering); Detroit (raid on Blind Pig); Englewood, N.J. (police harassment of Negro youths in park and over-patroling by police); Grand Rapids, Mic. (arrest for car theft); Houston (arrest for inciting to riot); Jackson, Miss. (arrest for speeding); Milwaukee (break-up of fight, arrest and dispersal of crowd at dance); Nashville (arrest of drunk and disorderly); Newark (arrest for traffic offense); New Brunswick (police closing of Negro tennage night club); Phoenix (arrests for rape and drunkenness); Plainfield (police failure to stop a beating and alleged police brutality previous week); Rockford, Ill. (arrest for traffic offense); Tampa, Fla. (shooting of burglary suspect); Tucson (police break-up of fight at private party.)

In 2 cities, disorders were indirectly triggered by police over-patrol of ghetto area.

Elizabeth, N.J. (bottle thrown at police car); Paterson, N.J. (police were already on riot alert when youths broke windows).

18 + 2 = 20 (86%)

In 3 cities, disorders were triggered by other factors.

Dayton, Ohio (speech by Rap Brown + spill-over from Cincinnati disturbance); Jersey City (molotov cocktail thrown into taxi); New Haven, Conn. (white restaurant owner shot Puerto Rican).

In 18 (78%) of the 23 cities, disorders began around a weekend.

3 on Friday, 6 on Saturday, 6 on Sunday, 3 on Monday.

2 began on Tuesday (8%) and 3 began on Wednesday (13%)

In all 23 cities, the temperature was 80 degrees or above. ~~However,~~

15 of the disorders (65%) began in July, 4 began in June (17%), 2 began in May (8%), 1 began in April and 1 began in August.

(2)

14 of the 23 cities (60%) reported sniping or gun fire by rioters. The amount of sniping is often in doubt because firecrackers were sometimes mistaken by police for gun shots. The sniping pattern was as follows: Sniping beginning on first night or day - 7 cities (Houston, Grand Rapids, Cambridge, Detroit, Rockford, Tampa, Phoenix); Sniping beginning on the second day or night - 4 cities (Milwaukee, Nashville, Newark, Tucson); Sniping beginning on the third day or night - 2 cities (Cincinnati, Plainfield); Sniping beginning on the fourth day or night - 1 city (Atlanta).

9 of the 23 cities (40%) had no sniping.

15 of the 23 cities (65%) reported looting. Some of the other eight cities reported attempted looting which was prevented. The looting pattern is as follows: Looting on the first night or day - 8 cities (Dayton, Grand Rapids, Newark, New Brunswick, Detroit, New Haven, Phoenix, Tampa); Looting on the second night or day - 6 cities (Cincinnati, Elizabeth, Jersey City, Nashville, Plainfield, Milwaukee); Looting on the fourth night - 1 city (Patterson, N.J.).

Every one of the 23 cities except Jackson, Miss. experienced arson and/or fire bombing. Jackson is exceptional because it was a brief non-violent disorder which took place entirely on the campus of Jackson State College. 22 cities - 95%

15 of the cities (65%) reported fire bombing and/or arson on the first night or day. They are: Cambridge, Detroit, Elizabeth, Englewood, Newark, Plainfield, Grand Rapids, Houston, Jersey City, Paterson, New Brunswick, Phoenix, New Haven, Tampa, Rockford. 3 of the cities reported fire bombing and/or arson on the second night. They are: Cincinnati, Milwaukee and Tucson. 2 of the cities reported fire bombing and/or arson on the third night. They are: Nashville and Bridgeton (?). 1 city reported fire bombing and/or arson on the fourth night - Atlanta. 1 city reported fire bombing and /or arson on the fifth night-Dayton

(3)

The question of when or if any of the 23 disturbances took on riot proportions is a subjective one. The following is my opinion.

11 (47%) of the disorders took on riot proportions. The pattern was as follows: 6 cities on the same day or night (Detroit, Grand Rapids, New Haven, Phoenix, Tampa, Houston.)
2 cities on the second day or night. (Cincinnati, Newark)
3 cities on the third day or night. (Atlanta, Cambridge, Plainfield)

Some of the other cities had continuous sporadic activity for several days, but no full-scale activity at one time.

The question of whether or not the initial police response was strong or weak is also somewhat subjective, in view of the vague field research reports. The following is my opinion:

16 cities had a strong initial police response (69%) Atlanta; Bridgeton, Cambridge, Cincinnati, Elizabeth, Englewood, Grand Rapids, Houston, Jackson, Jersey City, Nashville, New Brunswick, New Haven, Paterson, Phoenix, Rockford.

5 cities had a weak initial police response (22%) Dayton, Detroit, Newark, Plainfield, Tampa.

2 cities--unable to determine. Tucson, Milwaukee.

Size of crowd at initial disturbance: Under 50 - 10 cities 43% (Bridgeton, Cambridge, Elizabeth, Englewood, Grand Rapids, Jersey City, New Brunswick, New Haven, Paterson, Phoenix.
200 or under - 9 cities 39% (Cincinnati, Dayton, Nashville, Jackson, Houston, Plainfield, Tampa, Tucson, Detroit, which grew to 3,000 in 4 hours)
Over 200, 4 cities (Atlanta, Milwaukee, Newark, Rockford)

There are no statistics re rumors yet, but in the majority of cities, rumor seemed to affect police action more than riot action. There were constant rumors, that carloads of Negroes with guns were on their way into the cities, usually led by Stokely Carmichael.

(4)

15 of the 23 cities cordoned off the riot areas. (65%)

11 cities barricaded the area on the first night or day. They are: Dayton, Englewood, Grand Rapids, Houston, Jackson, Nashville, Phoenix, Rockford, Tampa, Tucson (inadequately) and Detroit (inadequately). 1 city barricaded the area the second night- Milwaukee. 3 cities barricaded the area the third night - Cambridge, Newark, Plainfield (inadequately) and

12 of the 23 cities had a curfew. (52%) The pattern was as follows: Curfew called on same day or night - 4 cities (Detroit, Grand Rapids, New Brunswick, Rockford). Curfew called on second day or night - Englewood, Milwaukee, New Haven, Phoenix. Curfew called on third day or night - Cambridge, Newark. Curfew called on fourth day or night - Plainfield. Curfew called on fifth day or night - Atlanta.

Example of Negro Youth Program (White Hats), (Tampa, Florida)

During the height of the 1967 civil disorder in Tampa, six youthful riot leaders were recruited through the efforts of Mr. James Hammond, director of the Tampa Commission on Community Relations, to organize Negro youths to restore order. Hammond was assisted considerably by Dr. George Brookins, a Negro physician who is very much respected by the militant Negro youths of Tampa. Approximately one hundred boys comprised the peace-restoring unit, and were given white helmets for identification. This White Hat Patrol reportedly was very effective in restoring law and order to the City of Tampa.¹ One of the problems reportedly leading up to the riot was a lack of communication between the Commission on Community Relations and the Negro community. To overcome this problem, five of the White Hat captains were hired immediately after the riot by the city for liaison purposes between the Commission and the community. Their duties were to convey to the community the story of what the Commission was doing and to report from the community directly to all city agencies. Some of the people interviewed believe that this association with the official structure has caused the White Hats to lose some of their influence with Negro youth. There is therefore some question whether they would be as effective as a "cooling" force should a disturbance erupt again in Tampa. Some White Hat members themselves have admitted experiencing some jealousy and hostility from militant youth in the Negro community.³

- References:
- ¹ Interview by Everett Waldo of James Hammond, Director of Commission on Community Relations, October 3, 1967, pp. 10-11.
 - ² Interview by John Pride of Carl Brazelton, et al., White Hat members, October 5, 1967, pp. 5-6.
 - ³ Interview by John Pride of Dr. George Brookins, October 4, 1967, pp. 1-3.

Prepared by: John Pride
Team Leader: Isaac Hunt
Date: November 13, 1967

November 13, 1967

Memorandum

To: P. Bower

From: K. Krueger

Subject: Exerpts from Hearings on co-ordination, legal ordinances, curfew and mutual defense pacts

There isn't much factual information in the Hearings on these things. The Field Research Reports would be a better source.

Curfew: Mayor Maier emphasized the fact that the Milwaukee curfew covered the entire city, not just the barricaded area. He said this had a good psychological effect and made things a lot easier for the police.

General Hill of the California Nat'l. Guard said that one of their biggest problems was getting people to stop at road blocks--several serious injuries came out of this.

In Detroit, apparently, many people didn't get the word about the curfew. Lots of people were arrested for violating the curfew. The same thing happened in Newark.

Co-ordination Commissioner Girardin of Detroit said there was a problem of co-ordination with the fire dept. They were on seperate communications systems and had to bring the Fire Chief into the command post at police headquarters. This hadn't been planned out. There was also a problem of co-ordination with the Nat'l. Guard--they lost two battalions in the beginning. He also said that it took too long to mobilize the State Police. And, of course, there was a complete breakdown in detention of prisoners.

Legal ordinances--This didn't seem to hamper anyone. The Mayor of Detroit said he just presumed he had the authority to call a curfew and prohibit sale of liquor, etc. Even if the cities didn't have legal authority, they didn't allow this to hamper them. No one mentioned law suits coming out of these things although there are lawsuits regarding police actions in Plainfield and Newark, N.J. Chief Lombard of Rochester said that after their 1964 riots they passed legislation for prohibiting the consumption of alcohol, possession of weapons and declaring a curfew during civil disorders.

(2)

Mutual Defense Pacts

Plainfield, N.J. called for help from neighboring police departments. However, this wasn't covered in detail in the testimony of the New Jersey people (Ylvisaker, Kelley, Van Ness, etc.). Detroit called for and received aid from neighboring fire departments. They didn't say if there was a prior pact.

DRAFT

December 3, 1967

MEMORANDUM

TO: Victor Palmieri
Stephen Kurzman
Arnold Sagalyn ✓

FROM: Charles E. Nelson, Tex Wilson, Esther Carter, ..
Francis Sharp and John Ursu

SUBJECT: Police

[NOTE: We have spent considerable time thinking about ways to supplement constructively our memorandum of November 23, 1967. The following is not as polished as we would like, but we do hope we succeed in conveying some of the emotion, the pain, or even agony that must be included in our discussion of this subject if we are to convey the views of the Negroes we have met in the field and the honest dilemma in which many policemen find themselves.]

POLICE ON THE SPOT

Today's policeman is caught in a dilemma, regardless of how enlightened he may be.

One group he serves cannot understand the marked increase in crime and violence in American cities and pushes for ever stronger law enforcement. Another group, in contrast, has become so inflamed against the police as a symbol of a repressive society that it has great difficulty accepting the use of an amount of force which is generally recognized as reasonable by other groups in society.

Are we asking too much of our police forces as now constituted? Is American society failing to give the police sufficient guidance in defining their role in the resolution of the painful problems facing the nation today?

In one sense the Commission's conclusion is "Yes" to both questions. Many police forces are being challenged beyond their present capability. The unfortunate facts are that (i)

for the most part the slice of national talent going into our local police forces is not exceptional; and (ii) the training given to new police to deal with social problems is generally limited, unimaginative and ineffective. Moreover, most Americans are not sufficiently concerned about the policeman's problems to devote serious thought to what his role should be.

In these circumstances, we can well understand the plight of the young police officer in a major city who said to us, "Sometimes people seem to forget we're human too."

In another, more important sense the Commission points out that it does not have set answers to these questions. To give the impression that simple answers are easily available would mean failing in our basic goal of making Americans more concerned and thoughtful about these issues. Our first purpose is to disturb, provoke, and upset. Our second is to suggest that our nation experiment boldly in new forms of police organization, recruitment, training, and so on. Finally, we will make some practical proposals which have become apparent to us during our reconnaissance surveys of some twenty American cities.

FACTS TO DISTURB - THE POLICE ROLE IN THE BIRTH OF RIOTS

The police were responsible for either the start, continuation or escalation of a large number of civil disturbances.

- The 1965 riot in Watts was precipitated by an arrest on a traffic charge of two Negroes by California Highway patrolmen.
- The July, 1966 disturbance in Chicago grew out of a policeman's act of turning off a fire hydrant that children were using without authorization for a street shower.
- The disorders in San Francisco (September 1966) and in Tampa (June 1967) were reactions to police shootings of Negro youths suspected of larceny.
- The arrest of a Negro cab driver in Newark exploded into the second most costly riot of 1967.

--A police raid on an after-hours drinking establishment in a highly density Negro neighborhood precipitated the riot in Detroit.

--In Dayton the unjustifiable slaying of a Negro by a police officer led to violence in September 1967.

It is clear that a perfectly proper and routine police action involving no abuse of any citizen can ignite as costly a riot as the rightful or wrongful slaying of a Negro by a policeman. Any specific police act, in short, may be the spark without being the "cause" of a riot. In view of this fact, it seems imperative that police agencies operate on the realistic assumption that any police action involving minority members of the citizenry may evoke a violent reaction.

It is difficult to anticipate and prevent riots that are caused by sudden acts of police misconduct. Yet, the number of riots which are caused by police-Negro disagreement as to what constitutes appropriate police conduct is fast becoming a national tragedy. These riots can and must be anticipated and prevented by bridging the gap of misunderstanding which exist between police and the Negro community.

FACTS TO DISTURB - SOME POLICE VIEWS OF NEGROES AND SOME
NEGRO VIEWS OF POLICE

Undeniably a broad gulf of misunderstanding exists between the Negro community and most police departments. As described above, many of the recent disorders have been precipitated by acts which police thought to be appropriate law enforcement but which were viewed by Negroes as oppressive and excessive. Many Negroes have been angered and provoked by such acts, and violence has often followed.

We suggest two theories to explain these reactions. Both are arguable, but they appear to be supported by what we have learned during our field visits.

A. Many police believe (and in any case most Negroes believe that police so believe) that black people constitute a subcitizen, if not indeed a subhuman, class which merits scorn and harassment rather than respect, and which can be dealt with in a brutal manner, without fear of reproach from the white community or reprimand from their superiors.

B. Many Negroes view policemen as visible signs of a society which oppresses them. They feel threatened rather than protected by policemen and in many instances view policemen in their community as members of an occupying force designed by the white majority to repress their every desire.

With regard to Theory A, we have encountered during our field visits at least one police chief who as an admitted segregationist a few years ago and who gives no indication of having changed his views with regard to the status of Negroes. We have been told that police departments in at least two cities follow a deliberate policy of harassing Negro men seen in the company of white women. The source of this information in both cases was a member or former member of the police department. We have heard from Negroes in other cities that there are many like instances of police conduct, sometimes involving Negro men who have very fair Negro wives, which leads them to believe that such a policy exists in the departments in those cities. One former detective told us that he was advised by his superior to mind his own business when he reported that a Negro prisoner had been beaten by arresting officers. The same superior is now Chief of Police in that city.

We have found police brutality, real or fancied, verbal or physical, to be the major grievance in most Negro communities we have visited. We have learned of the Algiers Motel incident in Detroit involving the slaying of three young Negroes by police officers, and the slaying of a Negro in Dayton, Ohio by a police officer. We have also learned that very few complaints of police brutality result in any known action being taken against the accused officer.

With regard to Theory B, we have been told reportedly that police officers are the visible symbol of the "man". We have been told that the "man" is primarily interested in

maintaining his manifold advantage and the police in Negro communities are there to protect the "man's" interest rather than to police the community. In many cities we were told of the difficulties and delays in getting police to answer calls in Negro communities involving unlawful acts against Negroes. Many Negroes spoke of a general and pervasive feeling of being threatened by policemen when dealing with Negroes. We talked to many embittered Negroes who had themselves been victims of police mistreatment or had seen other Negroes brutalized and had not seen the offending officers brought to justice.

Certainly a first step toward averting riots which may be caused by police misconduct is to ascertain the facts concerning each complaint of police brutality whether it be verbal or physical and to deal stringently with officers guilty of misconduct. To keep a man on the force who has been found guilty of physical abuse of a citizen, white or Negro, is simply to invite disaster. To retain a man who has, in his work consistently shown contempt and disrespect for certain citizens is an almost criminal affront to the entire citizenry which must pay the consequences when that man finally ignites a riot.

In dealing with the potential riot caused by this kind of misunderstanding it will be necessary to drastically alter the Negro view of policemen. As pointed out by the President's Commission on Law Enforcement and the Administration of Justice, "[G]hetto residents will not obtain the protection they badly want and need until policemen feel that their presence is welcome and that their problems are understood." (The Challenge of Crime in a Free Society, p. 100) While many police departments are aware of a lack of respect and veiled hostility in the Negro community, they are not precisely aware of what causes it and what can be done about it. The first step should be to ascertain with as much exactitude as possible what the Negro community thinks the department is guilty of and to obtain some recommendations from the Negro community as to what should be done.

The Commission intends to conduct an in-depth survey of this subject as part of the work for its final report. This survey should be conducted by a Negro organization which

is most likely to get honest comments and recommendations from Negro citizens and to report accurately its findings to the city government. Armed with these findings and recommendations, a city should start to take well publicized steps to correct false impressions as to its activities and to institute the needed reforms. New rules of conduct for officers may be required. If so, they should be drawn up, publicized and strictly enforced.

FACTS TO DISTURB - WHERE IS WHITE AMERICA?

Police departments in non-riot as well as riot conditions are often caught in the middle of conflicting desires as to what its action should be. Whites and some Negroes, particularly Negro businessmen as was the case in Detroit, often ask that more stringent police measures be used in order to protect property rights, while most Negroes are requesting that law be enforced with a minimum loss of life and in a less provocative manner. In this situation one must expect that perfectly proper police acts will be viewed as too lenient by one group and too harsh by the other.

Those, and especially those white middle-class Americans, who see the police-Negro problem as simply a matter of the timely use of superior force must be careful. The long term non-violent aspects of day-to-day police actions are as vital a part of effective law enforcement as any use of force. "Police-Community Relations" is not solely a public relations matter. It is the heart of the problem of law enforcement. Yet, the prospect is not bright. For example, in at least one major city [Cincinnati] the 1968 municipal budget includes \$500,000 for new patrolman and does not include any additions to its three man Police-Community Relations staff, even though such additions have been proposed for some time. [The current status of this proposal should be re-checked if this example is used.]

THE NEED FOR EXPERIMENT, INNOVATION AND CHANGE

The crisis in our cities will be with us for years and perhaps decades. Yet many Americans are apparently relying only on some combination of short-term measures and national luck to pull us through. We are concerned about the low level of experimentation and innovation in police matters. Historically, one of the great strengths and beauties of our federalist

system has been the ease with which our political subdivisions have tested new forms and techniques. In this, crisis, which we believe should be considered the equal of the Great Depression and the Great Wars of this century, we must draw deeply again on this fundamental feature of our governmental structure.

Two basic approaches to change are internal and external attacks. Internally the police might be strengthened by better recruitment, training, and policies as well as an expansion of the concept and staff attention given to police-community relations. External changes might be compared to the problems of civilian control of the military and might be implemented by such external mechanisms as Ombudsmen, and civilian review and advisory boards.

Proposal - Stricter Internal Review of Police Candidates

The average policeman's opinion of the average Negro is based on the racist history of our country and will not easily be eradicated from his thinking. Better selection procedures must be instituted in order to disqualify applicants with racist tendencies. Hard questions must be asked prior to employment of a police officer as to whether he is equipped to deal with Negroes as citizens entitled to the same respect and courtesy that he would give to the most influential white citizen. Of necessity, this means, that the person or panel administering the examination and/or conducting the interview must be free of bias. To best assure this, each recruit should be questioned by a panel of three officers at minimum. In cities having substantial Negro populations at least one of these three should be Negro. If there are no high ranking Negroes on the force some should be appointed or a public member added representing the Negro community.

Proposal - Civilian Review and Advisory Boards

Civilian boards are not popular. Still, given the seriousness of our national problem, the Commission strongly recommends further experimentation with them. We propose in particular a test of much wider community involvement through this instrument.

The cry is increasingly heard in Negro communities that the police should be taken out of the community or the community should be permitted to exercise some control over the force in that community. To complement the more stringent pre-employment procedures within the police department proposed above, we suggest a civilian review board composed of neighborhood residents which would conduct a pre-employment interview of any officer to be assigned to that neighborhood, would have authority to investigate charges of police brutality, and would constitute a board of overseers of the operation of that precinct. This board should be given final authority over whether or not a particular officer is to be assigned to that precinct. If the officers already employed do not wish to serve in that community under those circumstances, the board should have authority to propose the recruitment of policemen of its own choosing. We would suggest that the board be given final authority in deciding police brutality complaints in that precinct with the irreversible recommendation of at least reassignment to another section of the city, but a power of recommendation of more stringent punishment. In any case where a recommendation of dismissal was not endorsed by authorities having final review of reversible recommendations, that officers should not be assigned to another predominantly Negro precinct.

We recognize that there are inherent problems in this procedure, but we feel that they can be overcome. In our opinion the possible benefits to be derived from such a procedure in terms of better law enforcement make it worthy of experimentation in a number of cities. The chief problems to be faced are those of selection of review board members and police morale. The selection of board members could be done by the Mayor after consultation with as many groups as desired to be heard on the matter. It is essential that any board members chosen have and retain the confidence of the Negro community. Therefore, the Mayor should retain the authority to remove any board member who has lost the confidence of that community. After an initial trial period, if successful, the board memberships could be made low pay elective city positions, such elections to be held within the precinct or community served by the particular board.

On the question of police morale it is to be expected that most police departments will not welcome civilian scrutiny of personnel practices and operations by community residents. Any community initiating this procedure can expect to face threats of wholesale resignations by police. However, communities and police departments must come to recognize that the relations of policeman to the black community is an extremely serious one

and that in terms of riot prevention and control it is sometimes better to have no policeman on the scene than to have a policeman exacerbate the situation. Under such a system there is no basis for inferring that law enforcement in the Negro community with the same degree of courtesy and respect which is shown in the upper income white community will be greeted with any more hostility by a civilian review board than is now the case with upper income whites who are in positions to make their opinions heard within the police department. Unless one assumes that there is a fundamental difference between Negroes and whites, equal law enforcement should engender an equal respect for law officers.

Whether such review boards are to be instituted on a precinct-wide basis or on an entire Negro community basis would depend on the size of the city and the location of the Negro community itself.

Proposal - Civilian Officials in Control of Police

The external and internal approaches begin to mix together in considering the role of the first non-police official to whom the police hierarchy reports. In some cases this person is the mayor, the City Council as a group, or a Public Safety Director. The important question is whether the system is structured so that this official whatever his title, has time and in fact does play a direct management role in police matters. A further variation on this theme would be the existence of a personal non-police staff to assist this official in his management role.

Proposal - Experiment with Semi-Autonomous Police Organization In the Ghetto

Another general possibility would be to organize the police in the ghetto with a maximum of local control. The civilian review board described above would be one variation of this approach. [Bruce Thomas is trying to expand this idea in another paper.]

Proposal - Abolition of Anti-Loitering Law

Anti-Loitering ordinances are a major issue in the Negro communities where they are applied. Yet one may legitimately ask whether the measures available against disorderly conduct would not suffice to maintain law and order.

PRACTICAL CHANGES

[This section would deal with the planning, organization and training matters treated in the earlier Sagalyn draft.]

ISSUES POLICE FACE AS A RIOT DEVELOPS

(We have not refined this part yet. Rough drafts are attached which have not been reviewed).

Amount of Force

In considering how much force to use, we suggest that when riot prevention or dampening of a riot is the dominant factor of many to be considered, the policeman's course of action is clear. The less provocative act is called for. When that same crowd is gathered to protest an act of alleged police brutality which occurred in a precinct house the night before and they are listening to speakers who are urging nonviolence, the fact that several members of the crowd have thrown projectiles at the precinct house seems not to warrant a police attack on the crowd as a whole as violent as was done in Newark. Violence spread from this provocative bit of law enforcement.

This proposal should not be interpreted as a recommendation that law enforcement officers stand aside and permit crimes to occur in their presence. Nonenforcement of the law can often be as provocative as unnecessarily stringent enforcement of the law. (One thinks of the fact that looting was probably stimulated when the word got around that the police were not stopping looters in the early stages of the Detroit riot.) The recommendation we do make is that when putting conflicting community desires in a tense or riot situation on the decision making scales it is essential that relative weight be given to each desire with a view to the situation.

EXAMPLE OF GOOD POLICE-COMMUNITY RELATIONS

In New Haven, a Lieutenant Ahern has been assigned to work on Police-Community relations. During the past summer, he devoted much of his time to bettering relations with the Negro and Puerto Rican residents of the Hill area. When looting and vandalism broke out in that area on the night of August 19, Ahern arrived quickly. As police came into the area, violence stopped but a crowd of 200 to 300 remained on the street. Ahern and other officers urged the people to go home. After about an hour of this, with tension remaining high, Ahern promised Fred Harris and Ron Johnson, leaders of the Hill Parents Association (HPA), an indigenous group, that the city would provide brooms and trucks to the people so that they could take a constructive part in cleaning up the glass and debris from vandalized stores. According to several of the persons interviewed, the people on the street reacted favorably when Johnson told them about this promise. Unfortunately, the promised equipment never arrived, apparently because the purpose of it was never communicated to the officers who were running the barricades which had been erected to seal off the Hill area. After about an hour, tensions had mounted to the point where conflict appeared inevitable and police began dispersing the crowd with tear gas.

In this instance the use of a trained officer familiar with and to the people in the tension area did not succeed. However, many people interviewed felt that but for the breakdown in communications between various police units, Ahern and the HPA leaders together might have been able to prevent a true riot from breaking out.

(Drafting Suggestion: How about including profiles of outstanding police officers. Maybe Ahern. Cincinnati has a candidate who commanded the district in which the riot occurred until shortly before the riot.)

DRAFT

ADVANCE NOTICE OF POSSIBLE PRECIPITATING INCIDENT

It is unusual for a police agency to have foreknowledge of an event that is likely to give rise to an emergency situation. When such is the case, the event is typically the scheduled appearance of a controversial speaker or group at a determined and time. The event may be a convention, a rally or protest demonstration, and so on. Whatever it in fact is, the affected police agency has several options to pursue. These are (1) a heavy, visible commitment of policemen to the scene of the assembly; (2) a light or invisible presence at the scene, with a heavy force mobilized in a withdrawn position; (3) no unusual policing at all.

It is not possible to state unconditionally that one approach should be followed at all times. The police administration must assess the potential for actual violence at the particular gathering in light of such considerations as the estimated level of tension in the community, the events that are known to be transpiring in other cities near and far, the record of past performance of the speaker or the group in fostering civil disorder, the likelihood that the assembly will be attacked or disrupted by counter groups, and the character of the area in which the assembly will take place.

The police department in one major city followed on two occasions a policy of displaying no men at potentially volatile assemblies. (One gathering was the Black Muslim convention and the other a speech by H. Rap Brown.) In neither case did serious trouble arise. Whether this indicates anything at all is problematical, since one cannot say that disorder would have otherwise occurred.

In the initial stages of a riot a show of Force is often a deterrent to further riot activities. However, there are also the inherent charges that such a show of force at the wrong time or in the wrong place can exacerbate the situation. This was the case in Englewood, N. J. In response to rumors Englewood mobilized a large force of Police from neighboring municipalities. These forces were visibly deployed before any riot activity occurred. The presence of a large force of unfamiliar police on the streets brought many people out of their homes to see what the trouble was. Later in the evening trouble did erupt indicating that the visible police had little deterring effect.

DRAFT

Gathering of Crowd

Often a police action which takes more than five or ten minutes attracts a group of curious onlookers. This process may occur in any neighborhood, white or black, rich or poor. If the police enjoy a reputation for justice in the particular community, the group or crowd of citizens should create little concern for the police officers, since there is probably operating a presumption that the act in question is a just one.

The inner city neighborhoods, it has been our experience that the police agency does not function with this presumption. Police actions against residents of those neighborhoods were often do not have the support of the people who may witness them. This is not to say that all the residents are vehemently opposed to the police and will take steps to impede their work. It simply means that the small number who will so act do not perform in an environment that is unsympathetic to them. Also, it is not likely that sufficiently strong counter force of residents will arise to restrain anti-police elements. The problem, finally, is compounded by the existence at times of dedicated agitators who will use any opportunity to increase tensions between his world and the other world which the police represent.

In this context, even routine and non-abusive police acts are fuses for civil explosions. In spite of this fact, however, few would disagree that the police department has a duty to enforce the law and to provide protection to all citizens in all neighborhoods, and it would surely be delinquent if it chose to ignore complaints and violations in selected areas of the city. Indeed, such a decision would only raise tensions in those communities where there is a belief that the police do

not exist to maintain law and order in Negro neighborhoods for the benefit of Negro citizens. The question which presents itself then is how police agencies can diminish the chance that the fuse they necessarily provide will not be ignited, or if it is, that the fire does not reach the powder keg.

When a group of people begin to gather at the scene of a routine police act, of the neighborhood is not likely to be overtly hostile immediately. (We are, of course, assuming that the police officers are not in the process of beating or otherwise abusing the citizen or citizens with whom they are directly dealing. Indeed, it is always crucial that police officers avoid the act and appearance of being unjust) The amount of time that the police allow to pass from commencement to completion of the action on the street may determine whether the initially curious, but not actively hostile, group turns into an angry crowd. The longer the police spend, the more time there is for more people (perhaps, including agitators) to join the onlookers. There, of course, is also more time for someone or something to turn the normal passivity of a group to affirmative action.

The experience of Detroit illustrates this problem. The vice (or clean-up) squad of the 10th Precinct raided what they believed to be an illegal drinking establishment in the core of the Negro community. At least one plainclothes officer gained admission to the club. His fellow officers entered the establishment with force shortly thereafter. The time was about 3:45 A.M. on Sunday, June 23, 1967. For some reason,

the police had miscalculated the number of persons which would be present and require arrest. Since there were 83 people in the club instead of the expected fifteen to twenty-five, the equipment provided did not permit the police to remove the arrestees in the normal fifteen or twenty minutes. It took about an hour.

A crowd of approximately 200 people had gathered within the first fifteen minutes. The crowd was not hostile, and several Detroit officials described it as a jovial group. Within thirty minutes, however, a pair of agitators appeared and were successful in turning the jovial crowd into a vicious one. Its member stopped joking with the arrestees being escorted to waiting paddy wagons and began to shout at the policemen. As the last police car left the scene at 5:10 A.M., a rock was thrown through its back window. The crowd then moved to wreck destruction on stores in the area. Because the elapsed time had permitted a large crowd to gather and because the police department had a light force on duty, a sufficient force could not be immediately committed to crowd control duty, and the city could do no more than hope the people would go home of their own accord, as they had done in the past.

Under the circumstances, no one can criticize the Detroit Police Department for failing to move against the mob immediately. (Detroit officials have likened the incident to Pearl Harbor.) But we believe it would instructive to consider the options that exist in such a situation as well as new procedures which a police agency may be able to implement.

At the outset, we must again stress the paramount importance

of a police agency's having the support of the total community and every sub-division thereof in which it operates. Where such a relationship exists, the dissident elements will at best only be able to produce limited, short lived disorder.

Where the police agency does not have this kind of support, policeman should handle arrests with great dispatch and, as much as possible, beyond the view of passersby. Arrestees should not be detained on the street for twenty minutes or more before they are removed. If, as in Detroit, it appears that even more time must pass, the officers should consider the merits of issuing a street summons to the arrestees as an alternative to taking citizens into immediate custody. Police departments that do not presently have this option available to them should see that it is made available.

We are discussing cases in which there is no civilian counter force working on behalf of the police in the crowd. The state of police community relations in most of the cities studied is such that one would be foolish to expect or hope for spontaneous support to arise. Here, it may be profitable to consider the use of police officers who have some personal rapport with the people as a crowd-lacating unit. These may be men active in the local police-community relations program residents or former residents of the neighborhood, and any other officers known to be relatively more well-received or tolerated by the citizens. If such men do not exist in a given police force, they should be developed.

Where it appears to patrol officers that they must or will spend too much time in the public eye performing a

particular act and a crowd is likely to be drawn thereby, this is special unit should be called to the scene to deal only with the onlookers. Four to eight men in plainclothes and unmarked cars would appear to be sufficient to work with a group of a hundred people that has not yet been turned ~~to~~ to active opposition of the national officers. They must be prepared to persuade in a low key manner, rather than to coerce.

SECRET

✓

POLICE CONTROL OF LOOTING

Vandalism and its accompanying looting generally appear in the early stages of riot activity. In most of the cities there was some looting on the first night of the riot. In most of the cities studied the activities leading to looting followed a general pattern. This included the formation of a crowd at an incident in which the police were involved, a gradual transition of the crowd to hostility, dispersal of the crowd by the police, and the beginning of vandalism and window breaking. In all the major riot cities and in many of the smaller ones looting and destruction were not wide spread on the first night. However, this seemed to be a function of the people not really getting involved rather than because of effective police control measures.

The actual breaking into stores was generally done by gangs of young people who were out on a spree of destruction. The looters were for the most part older people who came afterwards, when there was no one protecting the already opened stores. *The Newark Police Director stated that one of his major problems was keeping people out of vandalized stores.* The methods of controlling looters in the major riot cities and many of the smaller ones have so far not been effective in preventing major property loss and damage. Cities have followed the procedure of cordoning off the riot area and containing the looting, with the principal concern being the prevention of property damage in the main business districts *outside the cordoned area*.

The Police, and in the ^{some cases} later stages the National Guard, ~~did~~ patrolled within the riot area but ^{generally} this did not prevent wide scale losses from vandalism and looting. In Newark, at least, the early stages of patrolling were most often done by police cars being driven at high speeds through the riot area to avoid being hit by rocks. When the police could see people in stores they would stop and either chase them away or make arrests, if there was sufficient man power. In addition they would respond in force to specific calls. Due to the extent of looting this offered little real protection of property.

Newark

The events in Newark on the first night of rioting show how not to handle a potential riot situation. ^(The purpose of this report is to)

As word of the beating and arrest of a cabby spread in the ghetto area a crowd of 200 to 300 people gathered in front of the fourth Precinct station. After an hour and a half of speeches and attempts by civilians to control the crowd had not proved very successful, rocks and bottles were thrown against the precinct breaking windows and two molotov cocktails were thrown against the wall of the station. After a few more minutes of negotiation, policemen charged out of the back of the station and into the crowd hitting whoever did not move out of their way with night sticks. The crowd split and moved back away from the station, and immediately afterwards some of the people in the crowd began to break into stores up the street. The net effect of the action was only to aggravate the situation further. It appears there was little thought given as to what the crowd would do once they were moved and no precautions were taken to keep them from breaking windows or doing violence to anything but the police station. Little or ^{no} real protection of property ^{was effected} within the cordoned area,

In the later stages of the riot after people had been killed and police discipline had loosened due to fatigue and tension, looters were, on a number of occasions, shot either in stores or fleeing the scene. ^(back up with statistics) At this stage looting activity began to decrease markedly, however, by this time in much of the riot area there was little left to take.

There was much hate generated by shooting of people for what in reality were minor offenses. There were cases also where an officer's life was in danger, but these still do not justify the large number of deaths and serious injuries of people shot either in stores or fleeing from them.

~~POSSIBLE CONTROL MEASURES~~

In the preventing the outbreak of wide spread looting two simultaneous procedures could be employed. First, effective control could be maintained over any crowd that had formed; and , secondly in anticipation of the dispersal of that crowd, police could be stationed as visible guards in or near businesses that would most likely be looted in the nearby area. This would require an efficient plan of rapid mobilization of two types of forces, since there would ^{probably} not be enough men on duty at any one time to handle such action.

The first force needed would be a trained crowd control unit. In most riot cities, when the precipitating incident was caused the gathering of a crowd, there has been a time lag of an hour to several hours between initial crowd formation and the actual outbreak of vandalism against businesses. The vandalism and looting has begun generally upon dispersal of the crowd. This would give the Police Headquarters approximately half an hour to mobilize a force from off-duty men on call and augment this force with on-duty men who could be spared from their jobs. This type of mobilization is not impossible; many small town Volunteer Fire Departments operate on such a basis.

The second action would be to mobilize men to guard the businesses near the area where the crowd was forming. And to begin to cordon off ^{an} the area which they could control. For this second maneuver there would be some additional time, and if the plan were completely enough drawn the men could be dispersed individually to pre-arranged stations in the area.

The crowd control force would move into place as a unit and standby out of sight until all normal attempts, and, if possible civilian attempts, to "cool" the situation and disperse the crowd had failed. By this time the men guarding stores should be in place and the crowd control units could move in. Before their initial move they should have a clear plan of action as to what they would do with the crowd--whether they would simply try to disperse it or contain it in that area to keep from moving en-mass to a more dangerous location. Such a unit would need to be well disciplined and function as a unit.

~~As the crowd dispersed on~~ ^{to} other people in the immediate area contemplating vandalism the officers stationed in front of stores should discourage any attempts at vandalism. These officers on guard duty should have some sort of immediate communications with a central control unit. This could be accomplished by telephone from within the businesses in the area, if radio communication were not possible. If an officer requested help there should be available ^a a mobile ^{force} force within the area to respond, rather than taking men away from guard duty at other locations.

If these methods fail to prevent the outbreak of looting and vandalism or if riot activity breaks out in another section, if further escalation of police response is then necessary. However several hours have now passed and forces for the next step could already be mobilized on the premise that it is better to be ready and not use such forces than not to be prepared.

At this stage the crowd control unit should be free from their initial duty. They therefore would be ready to provide guard duty for Firemen responding to the first outbreaks of arson. Such a unit would be valuable here in keeping the crowd back and out of rock throwing distance from fire fighting forces.

The indication from the amount of looting which took place in last summer's riots and the number of people arrested for that offense indicate that wholesale arrest of looters is not a sufficient deterrent. Therefore other alternatives need to be explored.

One alternative to keep people out of already opened stores would be to saturate them with gas. However, this could have more drawbacks than advantages in many places. It would make apartments above the stores uninhabitable, and with the present types of gas available it would make the store unusable for several weeks afterwards. Also it would not be a deterrent to fire ^{burning} of the stores. A second deterrent would be to post guards in front of or in all businesses as rapidly as additional forces could be mobilized. Looting generally follows a pattern of liquor and furniture stores first and priorities could be arranged on such a basis.

armor
milit
barrier
post

DRAFT

WHETHER TO NEGOTIATE

One of the decisions which city governments and police departments must face during any prolonged disturbance is whether to negotiate. The police must first decide whether to actively initiate the negotiations or simply to wait until someone makes the first approach to them. Because of the vital necessity for bringing any disturbance under control, the city government, including the police department, should take the initiative in pursuing all possible solutions. This means that any approach to the city government should certainly be explored, but more than that, it means that the city should publicize its willingness to negotiate and seek out representatives of the dissidents.

Having decided that it will negotiate, the city faces the more difficult question of ~~w~~ with whom to negotiate. It does not appear that large meetings open to the general public or small meetings attended by only the traditional middle class Negro leadership~~h~~ have been effective. Both these approaches were ~~x~~ tried in Detroit and appear to have had very little effect on the course of the disorders.

In almost every case, the city will be faced with a fragmented Negro community and it is likely that no identified leader will have much influence ~~w~~ with the rioters or potential rioters.

Therefore, at the outset, the city should try to bring in leadership from all segments of the Negro community for the purposes
(a) of/gaining some information as to the causes and the degree of unrest in the community and ~~x~~ ~~x~~ (b) identifying, if possible, those in the Negro community who have influence with the younger people who are likely to be in the street. If it is possible to identify persons in attendance who have influence with the rioters, they should be invited to a smaller meeting and their cooperation should be solicited in an attempt to talk the people out of the street. Several difficulties should be recognized in dealing with

with this segment of the Negro leadership. They are generally distrustful of city government and do not wish to compromise their positions in the community by becoming too closely allied with that government. Particularly they do not wish to go to the streets to talk to their friends and "followers" if they have nothing to offer them other than a return to business as usual. Therefore, if the city desires the help of these persons, it must be prepared to do something more than make vague promises about what it will try to do. If promises are to be the incentive for leaving the street, they must be concrete, short-term, and performance must be susceptible of almost visual judgment by the Negro community. For instance, if overcrowding in ghetto schools is a grievance, a promise to bus children to other parts of the city must be acted upon within several days. We are cognizant of the fact that there are ~~xxx~~ likely to be complaints from the white community that its interests are being sacrificed. That community must be made to understand that in pursuit of one of its interests, the reestablishment of law and order, it may be necessary to ignore another of its interests, keeping ghetto children out of its schools.

In smaller disturbances a very direct approach to negotiation appears to have been more successful. In New Brunswick, New Jersey and Paterson, New Jersey, the mayors of those cities went directly to the streets and negotiated with the actual participants in the disorder. It is generally agreed that this was helpful in bringing the disorders under control. In larger disorders, it is probably not feasible for the mayor to reach many people by going to the streets. One might also consider it unwise from the point of personal safety, but the Mayor of the City of New York suffered no personal ~~safety~~ harm when he recently went into a disorder area. It should be noted, however, that he went in during a period of relative quiet.

Shaw

The content of any negotiations will depend in most places on the types of grievances presented by the Negro community. The persons with whom the city negotiates may change from time-to-time. In determining with whom it will negotiate, the city must have uppermost in mind a return to law and order as expeditiously as possible. ^{This is not a confession of talking with these people who are likely to be helpful in getting people out of the street. The city has no choice but to talk to them. This means that we must talk to them.} The city obviously should not make concessions which are ~~xxx~~ likely to lead to a spread of disorder. For example, a demand may be made that forces be withdrawn from a certain area. If the major problems in that area are looting and arson, it is likely that the situation will be exacerbated by the withdrawal of forces. However, if the major problem is attacks on police officers, it would seem wise to withdraw them.

There would seem to be a valuable role to be played by negotiations with the right ~~new~~ people, meaning those with the contacts in the street, in the course of any prolonged disorder. However, negotiation can be utilized most rapidly and most effectively when the city has kept itself informed about the Negro community and ^{has} established a rapport with black militants in the pre-riot period.

Handwritten notes:
C. J. ...
...

DRAFT

5

APPROPRIATE RESPONSE TO VIOLENCE DIRECTED TOWARD POLICE

We suggest that different responses are called for when violence takes the form of attacks upon individuals, particularly police officers, than when ^{it} ~~the~~ violence is directed toward property. To use the word "response" ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ ^{in describing} to describe the appropriate posture to be taken by police when they are the butt of violence, is to suggest that ~~a~~ ^{police} defensive posture may prove to be the most effective means of bring order to a violent situation. As we intimated in another part of this paper, it may be appropriate to have the police withdraw if they are the focal points or sole targets of violence. This was done in Detroit at the outset ^{of the riot} as rocks and bottles were thrown at the police cars leaving the scene of the Blind Pig raid. Further violence may have been averted had there been anyone to speak for law and order at this initial ^{stage} of the disorder as opposed ^{to} the few agitators in the crowd. On September 2, 1967, renewed violence was probably avoided in Detroit at the scene of a Rap Brown speech when a trafficé policeman who came under attack simply left the scene.

As seen in both of these instances, a common sense, non-aggressive response to the hostility of the crowd proved to be the most expedient alternative. It is predicatable that the ^{disorderly} crowd, by dint of its numbers and disposition, will usually remain aggressive until the subject of its hostility has been defeated or removed. In such cases, common sense should dictate to the outnumbered and under-equipped police that to even ~~to~~ attempt to control the situation may unnecessarily ~~endanger~~ ^{escalate} the potential for violence and thereby ~~endanger~~ their lives and the lives of others.

Even if the police had sufficient forces and equipment to subdue the attackers, it would be senseless to aggressively challenge the crowd and ^{chance} ~~change~~ further escalation of the attack. Clearly, the least volatile and most effective procedure to be taken by the police would be to remove the object of the attack, themselves. This ^{kind of} defensive ~~xxxxxxxxxxxx~~ ^{approach restoring} response to the ~~restoration of~~ order gives credence to the generalization that in many instances the best law enforcement is the absence of law enforcement officers.

This alternative, however, is not a possibility if the police are the ~~object of an~~ ^{at} ~~attack~~ ^{in the} when they are confined to one area ~~or~~ ^{or} to a building. As was the case several times during the Detroit disorder, the police officers ^{or} ~~or~~ firemen were ^{besieged} ~~in~~ precinct houses or fire stations ~~by snipers~~. Consequently, there was little, if any, opportunity for them to halt the attack by simply removing themselves from the area. The officers inside the building would have the option of defending themselves or not returning the gunfire. The law enforcement officers who came to ~~rescue~~ ^{rescue} indicated by their presence that their function was to aggressively challenge the attackers. In such instances, defensive tactics were not ^{considered to} ~~possibilities~~. Their ^{alternatives were usually} ~~alternatives~~ were usually limited to attempting to disable or disperse the snipers and, in doing so, to draw the fire ~~away~~ from the officers or firemen pinned down. Eventhough this ~~xxxxxxxxxxxx~~ action would seem to be ^{a legitimate} an appropriate response, ^{by the test of clear & present danger} the rescue force places itself at a ^{distinct} ~~distinct~~ disadvantage in ~~this~~ this kind of guerrilla warfare because ^{unless} its intelligence is exceptional, it is unlikely that it can accurately ~~keep~~ ^{and} keep track of the fire power and mobility of ^{the snipers} ~~its~~ ^{its own} ~~attackers~~ and ~~members~~ ~~of the~~ ~~organization~~. ^{This} ~~failure~~ ^{failure} may create more danger than that created by the sniper fire.

the fatal ~~xxxxx~~ "street level" bullet came, no evidence was offered to support this. "The available evidence," the account continues, "leaves two possible conclusions: Either Smith was killed by a sniper who was on the street--at ground level unknown to anyone present --or he was killed accidentally by a National Guardsman's bullet. [(Source: Detroit Free Press, "The 43

~~xxxx~~

Who Died."]

We would ~~xxxxxxxxxxxx~~ ^{possibly} that had the Guardsmen and police forces not countered the attack of the snipers ^{so vigorously}, there is an equal possibility ~~xx~~ that Smith would be alive.

MEMORANDUM

November 23, 1967

TO : Palmieri, Kurzman, Sagalyn
THRU : Charles E. Nelson
FROM : Tex Wilson & Esther Carter
SUBJECT: Review of Draft Paper on Public Safety

We have reviewed the draft as much as time allowed, but the following does not represent an exhaustive review either by our office or by the writers.

This memo is divided into three parts. First, comments on various statements within the draft. Page references are used and are based on page numbering by the writers. Second, general comments on the draft. Third, some examples which support or contradict some page referenced statements in the draft.

Part I

In terms of the overall content of the paper, it avoids some of the most difficult conceptual questions and at the same time, does not go far enough to spell out details necessary for the practical application of the generalizations which are included. A significant conceptual shortcoming is that it does not deal with the particularly important question, "What is reasonable force?" Recognizing the difficulty of an explicit discussion of this point, the failure to deal with it at some greater length seems to detract from its crucial significance.

More specifically, it is questionable how much guidance is given to police officials when we recommend that "once an incident develops into lawlessness . . . the police must act promptly with a sufficient display of force." What is "sufficient"? Twenty police officers to every 30 rioters or three special riot-trained police officers to every ten rioters? In spite of the difficulty or even foolishness of quoting figures or establishing ratios, some guidelines for what can be termed "reasonable" both for purposes of the display and use of force should be suggested.

Less time could be spent outlining the deficiencies in the police control apparatus. Undoubtedly, most police officials were aware of these shortcomings prior to the disorders in their cities or they quickly became aware of them during the disorders. More time should be spent detailing the "HOW" of better police control methods instead of the "WHY". It is interesting that "approximately 50% of all police agencies surveyed had no or only partial communications coordination with surrounding jurisdictions". It would be more helpful to set forth the ways in which a police agency can reticulate larger and more integrated communication systems.

We have been charged with dealing with a very factual situation-- the breakdown of civil order in many cities. I feel that we cannot afford only to theorize. We must recommend the implementation of concrete reforms in the law enforcement system, and we must do this by being prepared to say how, when and by whom we feel specific measures should be undertaken. While it is intellectually appealing to recommend that "a new doctrine for riot control must be developed", we must be prepared to say more of it than it must "meet changing conditions of civil disorders with a flexibility that will permit maximum police effectiveness in terms of time and space manpower deployment" . . . whatever that means!

Suggestions of Additional Points Which Might be Made

1. You may wish to consider recommending the creation of a special riot unit within the police department which would take over all police operations once a disorder has erupted. The members of this unit would each have developed expertise in a particular phase of emergency operations such as mobilization, communications (within the department^{with} with other cooperating city, state and federal agencies), intelligence, emergency welfare facilities, and arrest and confinement operations.
2. At some point you may wish to bring out that when it is known that the hostility against the police is high in the Black community, the best law enforcement sometimes may be the absence of law enforcement officers. Many Black men see the policeman as the most visible symbol of all his grievances against the white man. To illustrate this point, two instances of the correlation of police presence and violence in Detroit come to mind.

- (a) At approximately noon on the first day of the July disorders, a helmeted, heavily armed, bayonet-wielding riot unit attempted to "sweep" 12th Street. During the sweep, a Negro drunk was allegedly bayoneted. Reportedly, prior to the sweep, the crowd had begun to dissipate voluntarily once the stores in the immediate vicinity had been looted. Observers felt that if the police had not come into the area and displayed such force, the violence which renewed as the rumor of the bayonetting spread, could have been averted.
- (b) When Rap Brown was in Detroit in early September, a potential disturbance was averted when police simply left the area where a crowd of approximately 3,000 had gathered to hear him speak at a local theater.

PART II

(NOTE: We numbered the pages of the draft to help our references.)

- Page 7 We give very little help to the Commission and it in turn to localities with such phrases as "sufficient display of force."
- Page 11 You may wish to comment on fact that Detroit had a plan which had worked during the Kercheral Incident of 1966, but did not work in July 1967.
- Page 17 Giving a walkie talkie type portable radio to a foot patrolman in a riot area may improve command and control, but may also endanger the patrolman's life. Police orders being barked over a radio would leave no doubt in a sniper's mind as to the identity of a person half-concealed in shadows.
- Page 18 Some other ideas for an early warning system should be set forth. Paid informers may not be a pleasant topic of conversation, but they are often good sources of information.
- Page 19 There should be some guidance as to how an intelligence unit should function. It can operate in such a way as to become the most hated element of the police force. (See Milwaukee example, infra.)
- Page 19 It is not correct to say that rumors were a common factor in all disorders. As far as we can tell, rumor played no part in the last two Dayton disorders, nor in the Milwaukee disorder.
- Page 41 One should consider the fact that a mayor may be so hated that he would be the worst person to be in control of an operation seeking to get people off the street. I would leave open the question as to who should be in control in a given city, but would lean heavily toward someone with proven rapport with the Negro community and particularly with the potential rioters element.

- Page 45 To complete the Dayton picture, you should point out that the "white hat patrol" organizer has been severely criticized by black militants, that the patrol was not used in the September 1967 disorder, and that the city has failed to provide necessary financing to the group although requested to do so by the organizer.
- Page 49 Why not list the four cities with formal mutual aid agreements? Any interested person could then go to that city police department to see what a plan looks like. Why not a model plan prepared by the Commission.
- Page 50 What is the "important psychological effect" which the National Guard has on rioters? In the context mentioned, you seem to conclude that people are induced to stay off the street because the "army" is now in town. A solid argument can be made that Guardsmen tend to aggravate the situation.
- Page 51 I presume that you speak of one of the New Jersey cities. Is there any reason for not naming it?
- Page 51 A community which demonstrates that it can maintain law and order through its own resources and those of neighboring communities will not necessarily gain the respect of all segments of the community unless you speak of respect for the iron fist. Bull Connor maintained law and order, but certainly lacked respect from segments of the community.
- Page 56 Why not identify Plainfield as the city?
- Page 57 Why would state mutual assistance agreements require Congressional approval and no such approval be required for inter-city agreements which cross state lines? Are you contemplating Guardsmen crossing state lines? Is that the Federal hang up?
- Page 73 Let's put in a pitch for gun control legislation. That seems to be a nice safe recommendation.

PART III

Page 2 There are numerous examples of excessive police force exacerbating a disorder. The bayonetting of a Negro drunk in Detroit, the murder of a Negro in Dayton, and the vindictiveness of officers in Newark who shot out windows displaying "Soul Brother" signs which had been unmolested by rioters. The

The early hours of Detroit may be good example of inadequate display of force.

Page 14 Detroit exemplifies difficulties created by lack of adequate communication equipment.

Page 18 Mayor Cavanagh testified that his task force worked well three weeks before ^{the} riot. There was a nine-car accident in which many were injured. As people were being transported to hospitals a story started around ^{the} Negro community that a white woman was taken on a crowded ambulance in preference to a Negro man although he was more seriously injured. A check showed this to be true, but turned up the added fact that the woman was pregnant. Armed with this information, members of the task force were able to cool a potentially explosive situation.

In Dayton, Ohio, a Negro who was supplying intelligence to the City Manager was arrested. It took him several hours to convince law officers that he was indeed working for the City Manager. A simple telephone check eventually verified his story.

Page 19 The Milwaukee Police Department has an intelligence unit which is the object of intense hatred in the Negro community. Its activities include photographing all people who participate in demonstrations, who appear before the Common Council with any sort of complaint, who attend the Moscow Circus appearances in Milwaukee and compiling a dossier on all supposed subversives which include most of the people in the prior categories.

Page 28 In Detroit, fatigue was one of the factors which caused headquarters to lose control of the police on the street. One police official stated that

good discipline declined as fatigue and stress increased to the point that control was lost.

Detroit also presents ^{the} best example of lack of adequate facilities to transport, detain and process arrestees. Food and sanitary facilities were nonexistent in many places and in little evidence in most. There was a virtual breakdown of the court which should be mentioned.

You will note that the above examples are drawn from Detroit, Dayton and Milwaukee. This is so because the drafters of this document are most familiar with those cities. If examples are desired from other cities, we would be pleased to supply them.

December 5, 1967

MEMORANDUM

Paul Bowes
TO: ~~Victor Palmieri~~
~~Stephen Kurzman~~
~~Arnold Sagalyn~~
FROM: ~~Charles Nelson~~ *VH*
RE: Comments on Remington Paper

Attached is a paper prepared by John Ursu together with detailed suggestions by Esther Carter. These papers further support the general view taken in our paper of December 3 on the Police.

*This has useful material
I think -*

VH

The subject paper is, according to the authors, a first effort which time will permit them to improve. The question they pose is whether the paper appears to be heading in the right direction. Their transmittal memorandum states that the paper can be strengthened by further elaboration, the addition of illustrations, and the development of specific recommendations. We agree, and in the comments that follow, we endeavor to give a fair criticism of the work, some pertinent illustrations, and we indicate points which we believe require elaboration.

First, some general observations on the Remington - Goldstein paper are in order. We are troubled by the flatness of the presentation. It conveys no compelling sense of urgency. The authors use too many "weasel words" and weak statements, with the result that their paper is unconvincing and unpersuasive.

The Remington paper is lifeless because the authors did not (or were not able to) avail themselves of the work product of the field staff. Life can be breathed into it if the Commission desires. But the creation of a vibrant, forceful and truthful paper means that we cannot give police agencies soft treatment. We cannot "stress", as the authors do, "that police are not to be blamed for the disorders that have occurred." We cannot create the impression that police departments, since they are not primarily responsible for the long term causes of conditions conducive to disorder, are not to receive a major

share of the blame for grinding aggravations that make the poverty, ignorance and hopelessness unbearable. In brief, and at the risk of being trite, we cannot in good conscience understate the fact that our studies of riot cities show that police do rub salt in open wounds, and that people who may have suffered quietly with the wounds rebelled over the salt.

For example, of the twenty-three cities which the Commission has had studied in some depth, the staff has found that a history of police malpractice directed toward Negroes was at least a major causative factor in the civil upheavals of eleven or twelve. These are Detroit, Newark, Milwaukee, Dayton, Houston, Jackson, Rockford, Jersey City, Plainfield, Bridgeton, Patterson and possibly New Haven.

These findings should be clearly stated. If the problem is not presented frankly and effectively, one would be a fool to expect police agencies to undergo the agony of change. The real hope that we have is that the public interest in this Commission's report will produce a public demand that police departments insure that abusive practices are abandoned. Our fear is that the Remington paper does not make the most of this opportunity.

An excellent report on police-community relations was published this year by the President's Commission on Law Enforcement and Administration of Justice. Entitled "Task Force Report: The Police", it should serve as a model, if not a standard, for what we decide to publish. Although that report

offers a complete treatment of all the aspects of police-community relations, we think that for the purposes of this memorandum, it is sufficiently instructive to review the Task Force's identification of the problem and its relation to disorder. We quote at some length from pages 146-147, omitting all footnotes that appear in the original:

The public generally believes that the police do not engage in serious misconduct. A Gallup poll in 1965 showed that only nine percent of the public believed that "there is any police brutality in this area. [After citing other surveys showing the same strong belief or community support for police, the report goes on.] "These studies might seem to suggest that there is no widespread police-community relations problem. And if the persons showing greatest skepticism toward the police were evenly distributed through all kinds of communities and neighborhoods, this would be true. In fact however, this is not so. *** The NORC [National Opinion Research Center] survey shows that nonwhites, particularly Negroes, are significantly more negative than whites in evaluating police effectiveness in law enforcement. In describing whether police give protection to citizens, nonwhites give a rating of "very good" only half as often as whites and give a "not so good" rating twice as often. These differences are not merely a function of greater poverty among nonwhites; they exist at all income levels and for both men and women. ***[Citing similar findings of other studies, the reports notes:] A poll in Detroit in 1965 found that 58% of Negroes did not believe that law enforcement was fair, and an earlier poll in 1951 found that forty-two percent Negroes believed that it was "not good" or "definitely bad". *** A survey of the Watts area of Los Angeles concerning opinions on the existence of "brutality" found:

<u>A lot</u>	---	22.2%
<u>A little</u>	--	24.6%
<u>None at all</u>	---	15.1%

***Thus, nearly 47% of all respondents and 60% of all those from 15 to 29 years of age believed that there was at least some police

brutality. Of those who had answered "a lot" and "a little", approximately half claimed they had witnessed it. ***[Another study of Negroes in the general area of Watts showed] that males below the age of 35 were most critical of the police. For example, 53% of young males reported that they had been subjected to insulting language; 44% to a roust, frisk or search without good reason; 22% to unnecessary force in being arrested; and 10% to being beaten up while in custody. Well over 90% of young males believed that each of these kinds of incidents occurred in the area and 45 to 63% claimed to have seen at least one of them. There were no substantial differences based on economic levels. Negroes with higher education reported more insults, searches without cause, and stopping of cars without cause." *** Surveys may not accurately reflect the full extent of minority group dissatisfaction with the police. In-depth interviews with members of minority groups frequently lead to strong statements of hostility, replacing the neutral or even favorable statements which began the interview. *** Attacks on police officers, interference with arrests, disturbances and riots starting with police incidents, and verbal abuse by citizens offer abundant testimony to the strong hostility. The way in which such hostility can become an important factor in a riot is illustrated by the following statement of a resident of Watts to an interviewer:

Two white policemen was beating a pregnant colored lady like a down dog. They need their heads knocked off. I agree 100% for the Negroes going crazy - they should have killed those freaks. Yes, treating niggers like dirty dogs.

This incident, which was thought by many people in Watts to have been the cause of the 1965 Los Angeles riot, never occurred. But many Negroes apparently were prepared to believe that police officers act in such an improper manner.

A survey of Watts' residents by the University of California at Los Angeles showed that 21% ^{thought} that police mistreatment was the cause of the riot. In contrast only 2% of whites considered police brutality as the cause. The study further found that those Negroes who believed that the

police abused people (used excessive force, beat up persons in custody, were insulting, and engaged in other misconduct) or who claimed to have seen such abuse or to have been subjected to it, were more likely to have been active participants in the riots.

The material quoted points to two matters that this Commission should squarely confront. It indicates that the general public, meaning for the most part white, middle and upper class America, is not aware of, or does not believe, the extent of police misconduct that Negroes report is directed against them. We do not think it is fruitful to get bogged down in trying to determine how many actual cases of police malpractices or brutality against Negroes occur each year. If Negroes in ten riot cities feel that police brutality is as grave or graver a problem than employment, housing and general poverty, the police must be doing something wrong. The least that this Commission should do is to inform the general public of the high level of grievance against police extant in black communities.

Secondly, the Commission should raise the question of whether people who harbor heavy grievances against police for wrongful conduct are more likely to join in a riot. There is persuasive evidence that such is the case. We know that it will take decades to erradicate poverty, educational deficiencies and racial prejudice, but it would not take long to eliminate police malpractice as a major cause of widespread disorder if the public was fully aware of the fruit it bears. Justice Brandeis observed almost forty years ago that the government "for good or for ill...teaches the whole people by its example.

Crime is contagious. If the government becomes a law breaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." Olmstead v. United States, 277 U.S. 438, 485 (1928) (dissenting opinion).

The Remington paper does not develop this area, and we believe it is crucial to the foundation upon which the Commission must base its recommendations. The report must spell out the relationship between poor police-community relations and the proclivity of minority groups toward disorder. We are convinced that the best weapon against widespread disorder is a strong, indigenous counter force in the community. A small disorder can happen anywhere. It can simply be the vandalism of juveniles. Where the community supports law and order, which ~~frankly may~~ means the police department, the disorder will ^{be} more readily contained. The counter force may not even have to be mobilized. It is sufficient that they do not give their sympathies and tacit or express encouragement to the participants.

There is a tired argument which the Commission should take this opportunity to inter. People who minimize the problem of police brutality and other abusive practices directed toward Negroes often say that one will only find a handful of officers on a given urban force who conduct themselves improperly in their contacts with Negroes, and therefore, the severity of the problem must be greatly exaggerated. If one policeman has 600 contacts with citizens in a year (and this ^{is} probably a low estimate), he has that many opportunities to create hostilities. Five bad policemen have 3000 chances.

One beating of a Negro may be spread through the neighborhood in which the victim resides by word of mouth until 50, 100, 500, any number of people know of it. The slaying by a Detroit policeman of Cynthia Scott, a Negro prostitute, and the failure of the prosecutor to recommend a warrant appeared in every Detroit newspaper and ^{almost} every Negro knew about it. The point is that a handful of bad cops can do enormous damage. *If in fact there are only a few bad police, that should simply make it easier to get rid of them.* ~~The answer is recognition of this fact, must be that if there is just a few bad ones, it is easy to at least begin to cure a department's community relations problems.~~

We hope the Commission's report will recommend that police agencies weed from their ranks the brutal and abusive policemen. Police departments must be convinced of the folly of protecting bad officers. A policeman who accepts a bribe is a criminal; so is the policeman who wrongfully commits a battery upon a citizen. Organized society can no longer afford to keep criminal policemen on the force. They simply cost too much.

Furthermore, we are not troubled, as the authors seem to be, by the prospect of demanding that police officers be a cut above the bigotted numbers of the community. The authors state that, "it is perhaps unfair to expect the police officer to be more tolerant than other members of the community he serves." (p. 5) We disagree, and strongly urge the deletion of this sentence and this kind of an approach.

We have said above that we believe police agencies could eradicate police abuse of Negro citizens in short order. In addition to cutting out of the force the known and brutal racist

members, we believe the Commission should consider mentioning that police officers at every level of responsibility are employees of the city. A police chief, commissioner or public safety director who will absolutely not stand for police malpractice should by way of an ordinary employer reward and punishment system be able to control the on duty behavioral patterns of the men under him. Dr. Burton Levy of the Michigan Civil Rights Commission said that the simplest answer to police abuses would be the appointment of a man like Robert McNamara to the top administrative slot. This kind of chief should be able to overcome the indifference of entrenched top level career officers to police brutality and indignities and force enlightened views on the men.

Major discrepancies between McClellan committee chart and FRRs.

1. The McClellan chart does not include the Atlanta June 1967 disturbance, the Bridgeton July 1967 disturbance, the Elizabeth July 1967 disturbance, the Jersey City July 1967 disturbance, the New Brunswick July 1967 disturbance, ~~etc~~
2. The dates of disorders differ slightly in the following cases: Grand Rapids was two days before the date given in the McClellan chart, the Phoenix disorder was two days after the date given in the McClellan chart, the Plainfield disorder was two days before the date given in the McClellan chart, the Rockford disorder was one day later than the date given in the McClellan chart.
3. The number under arson in Cambridge is given as 12 on the McClellan chart. It is my understanding that there was one incident of arson (a school) which spread to other buildings as the fire department would not enter to put it out.
4. The McClellan chart lists Englewood as having looting and sniping. According the FRR, Englewood had no looting and what was thought to be sniping was really cherry bombs.
5. The McClellan chart reports sniping, looting and arson in Jackson, Miss. According to our information, there was no looting, no sniping and the arson consisted of burning barricades set up around the campus.
6. The McClellan chart lists 19 under arson for Nashville. The only arson I am aware of was the burning of a stack of lumber on a campus. The fire was put out by students as fire dept. refused to enter area.
7. The McClellan chart lists no sniping for Rockford. The FRR lists sniping.
8. The McClellan chart reports looting in Tucson. The FRR reports one case where looting was intended but was thwarted by police.

I don't yet have information on the amount of looting, arson, sniping property loss, etc. in each city so can't compare that data yet.

Seriousness of Disturbances

No-one has analyzed the seriousness of the disturbances on any hard data. Sometime ago, Dr. Shellow's Office rated riot cities as A, B, C, D, or E, according to the data they had at the time. This was mostly FBI reports, JD reports, news clippings, police reports, etc. They considered the degree of violence and damage, the duration of violent action, the number of active participants, and the level of law-enforcement response when deciding on the ratings. They have since decided that some of the ratings were too high, since newspaper accounts tend to exaggerate and police and FBI reports contradict one another.

The most difficult thing to come by in this Commission is hard data. Everyone is jealously guarding their own pearls of wisdom. About the only hard fact I've been able to uncover is that there were only 27 arrests for sniping in all the 1967 disorders nationwide. There are 3 cases pending on an original charge (assault with intent to kill), 1 pending on a reduced charge (gun possession) and 1 pleaded guilty on a reduced charge (possession of unregistered gun). Of all exaggerations by news papers and police reports, apparently sniping is the most exaggerated of all or they just couldn't catch any.

Dr. Shellow's people rated 3 cities as A--Detroit, Newark and Cincinnati. I had considered Detroit as taking on riot proportions the first day and Cincinnati and Newark on the second day. Both Detroit and Newark had weak police response--however Newark had 1 full day to prepare for a riot and still was unprepared. Cincinnati also had one full day to prepare and, though they responded in force, their response was not strong enough to quell the disorder. I would theorize that this is because they refused to co-operate with or take advantage of community peacemaking elements. They considered police force alone as the only method of controlling the disorder.

6 cities were rated in the B category. They are Cambridge, Grand Rapids, Milwaukee, Plainfield, Tampa and Atlanta. I had considered Grand Rapids and Tampa as taking on riot proportions the first day and Atlanta, Cambridge and Plainfield as taking on riot proportions the third day. Therefore, Atlanta, Cambridge and Plainfield had two days in which to prepare for strong police response. Atlanta's response was strong from the very beginning so I would theorize that in Atlanta, strong police response itself encourage the major disorder. Cambridge is also characterized by strong police response. Grand Rapids, where the disorder took on riot proportions the first night, had strong initial police response. I had not considered Milwaukee as taking on riot

(2)

proportions at all. I presume it was included as a B city because of its duration (4 days), the deaths incurred and the large forces called up (National Guard) for such a long time. The number of participants and the amount of violence and damage were not large.

6 cities were rated in the C category. They are Dayton, Houston, Jackson, Nashville, Paterson and Phoenix. I had considered Phoenix and Houston as taking on riot proportions the first day. Houston lasted only 1 day and Phoenix two. However, both disorders were indisputably violent and both had strong initial police response. I did not consider Jackson, Dayton, Nashville and Paterson as being of riot proportions. Jackson was undoubtedly included because of the deaths and the call-up of the National Guard. I would guess that Nashville and Paterson were included because of very strong police response. Paterson, of course, responded before anything had happened at all. Dayton, I can't explain. I had included New Haven as a city with a disturbance of riot proportions. It was rated as a D. It lasted 4 days, included looting and arson. The police response was strong and this may be a case where swift police response quelled a disturbance or it may be a case where I over-estimated the size of the disturbance.

6 cities are rated as D. They are Bridgeton, Elizabeth, Englewood, New Haven, Rockford and Tucson.

2 cities are rated as E. They are Jersey City and New Brunswick. I had considered Bridgeton, Elizabeth, Englewood, Rockford, Tucson, Jersey City and New Brunswick as never taking on riot proportions. All of these cities (Tucson unclear) had strong police response. This could be illustrated as strong police action preventing a riot or as strong police reaction to nothing much. The question then arises as to whether this strong police action over nothing has engendered any resentment, bitterness or future riot potential. Attitudinal studies here would be interesting.

I will continue my search for hard facts.

- A. Cincinnati (6 days), Detroit (8 days), Newark (7 days)
- B. Cambridge (3 days), Grand Rapids (3 days), Milwaukee (4 days), Plainfield (5 days), Tampa (4 days), Atlanta (4 days).
- C. Dayton (2 days), Houston (1 day), Jackson, (2 days), Nashville (4 days), Paterson (4 days), Phoenix (2 days).
- D. Bridgeton (2 days), Elizabeth (1 day), Englewood (4 days), New Haven (4 days), Rockford (2 days, 3 nights), Tucson (2 days).
- E. Jersey City (3 days), New Brunswick (1 day).

Mr. Bower

Analysis of numbers injured or killed by gun fire during
civil disorders

Name-of-City	Civilians		Police		Firemen	
	D	I	D	I	D	I
Atlanta	1	4	0	0	0	0
Bridgeton	0	0	0	0	0	0
Cambridge	0	1	0	1	0	0
Cincinnati	1	4	0	0	0	0
Dayton	0	0	0	0	0	0
Detroit	33	84	1	11	1	2
Elizabeth	0	0	0	0	0	0
Englewood	0	0	0	0	0	0
Grand Rapids	0	2 (?)	0	0	0	0
Houston	0	0	1	1	0	0
Jackson	1	4	0	0	0	0
Jersey City	0	0	0	0	0	0
Milwaukee	1	1	1	7	0	0
Nashville	0	1	0	0	0	0
Newark	23	?	1	?	1	?
New Brunswick	0	0	0	0	0	0
New Haven	0	1*	0	0	0	0
Paterson	0	0	0	0	0	0
Phoenix	0	0	0	3	0	0
Plainfield	0	5(?)	0	1	0	0
Rockford	0	0	0	0	0	0
Tampa	1*	0	0	0	0	0
Tucson	0	0	0	0	0	0
23 Total	61	107	4	24	2	2

* These were triggering incidents in New Haven and Tampa.

D - Deaths
I - Injuries

Newark Injuries not broken down by type. Probably a large number by gun fire.

Mr. Bower

Memorandum

To: Messrs. Sagalyn and Bower

From: Karen Krueger

Subject: Number of Deaths in 23 Riot Cities

Total number of deaths by gunfire 69

Total number of deaths by other causes 13

Total deaths 82

Deaths by other causes:

Tampa 1 heart attack (deputy sheriff)

Jersey City 1 burned by fire bomb (Negro civ.)

Milwaukee 1 smoke inhalation (woman)

New Haven 1 heart attack (woman when fire bomb thrown next door)

Plainfield 1 beating (police officer)

Detroit 1 bayoneted (suspected sniper)

1 beaten (store owner by youths)

2 high voltage wires

2 burned (suspected looters)

Newark 1 heart attack

Undoubtedly there are more deaths than these. However, these are the only ones I have any record on. The number by gunfire may be fairly accurate.

(1)

Mr. Bower

Total deaths from sniping or alleged sniping in the 23 riot study cities	<u>8</u>
Proven deaths from sniping	<u>0</u>

Total deaths from gun fire in the 23 riot study cities 69

11% of the deaths from gun fire in the 23 cities can possibly be attributed to sniping.

Of the 8 alleged sniping deaths, 5 are of officials. (Breakdown on following page.)

Of the remaining 3 alleged sniping deaths, 2 were in Detroit and are covered on page 5.

The remaining alleged sniping death occurred in Cincinnati, Ohio. This was a case of a white man being shot by Negroes in a passing car.

Sniping -Deaths of officials-

1. Police, Firemen, and National Guard.

In the 23 riot study cities, 4 policeman, 2 firemen and 1 National Guardsman were killed by gun shot wounds. 5 of these deaths are attributed to snipers, but these allegations have not been proven.

Sniper?

1. Milwaukee-policeman found dead of gunshot wound in burned house. A woman was also found dead in the house of smoke inhalation.
2. Detroit-policeman was shot by other policeman's gun in scuffle while prisoner was attempting escape. Prisoner and a second prisoner, who was handcuffed at time of shooting, were arrested and charged for death.

Sniper?

3. Houston - policeman was killed by ricocheting bullet during gun battle with dormitory on campus.

Sniper?

4. Newark-policeman shot in gun battle with housing project building. Five police cars were at location. No information is given as to bullet or guns found in project.

1. National Guardsman shot in Detroit ^{car} of white youths allegedly ran road block. Guard fired at car. No snipers were in area. Youths did not have gun. Man presumed to be shot by other Guardsman.

Sniper?

1. Detroit - fireman killed either by sniper or National Guard. Was not fighting fire but watching action at time. Was shot from ground with 30 caliber carbine. Snipers were allegedly on roofs and Guard was using 30 caliber carbines.

Sniper?

2. Newark-fireman shot on ladder by alleged sniper. Had answered false alarm. Guardsman was also injured at same time.

(3)

There were 43 deaths in the Detroit disorder. 6 were not due to gunfire. (13%)

2 Negroes burned in basement-presumed looters
2 Fireman and civilian killed by high voltage wires
1 store owner defending property with saber-beaten to death by youths
1 suspected sniper-shot and bayoneted by Guardsman

6

Of the 37 deaths by gun fire, 21 were in connection with looting

Looting deaths (56%)

11 of the looting deaths were in connection with grocery stores
Grocery store looting 52% of looting deaths, 29% of total gunfire deaths

1 by police-man running from Foodmark-carrying 1 bag and 1 bottle
1 by police-man running from A&P-holding package of beef-mistaken for gun
1 by police-man inside A&P, most stock already gone-policeman allegedly slipped
1 by police-escaping from Bi-Lo Supermarket-taking large quantities shot in truck
2 by police-taking beer from Boles Market - 1 was escaping, other shot inside
1 by police-running from N&T Grocery
1 by police/or Guard-guarding fruit market-accidentally shot as police and Guard were shooting at looters fleeing from LaField Quality Market across the street
1 by police/or Guard-running from Bogli Brothers Market with 5 packs of cigars. Had been seen trying to break open cash register unsuccessfully.
1 by store manager from his car-was exiting from window of grocery store with 7 cigars, 4 pkgs. of pipe tobacco and 9 prs. of shoe laces.
1 by private guard-was passing by supermarket-quarreled with guard over his treatment of suspected looters of market.

11

(4)

Other looting - deaths

- 1 by drug store owner--was breaking open door
- 1 by private citizen--in back of looted store, was accused by gunman of having looted his store--later found to own no store and charged with murder
- 1 by Army paratrooper in raid on apt. where looted materials suspected. Man was exiting from building--Army claimed to be shooting at man who was fleeing with gun--believed now to be a boy with a transistor radio.
- 1 by police trying to jimmy open door to bar--running
- 1 by police running away from looted pharmacy
- 1 by police in yard of Auto Parts Co. working on a junk motor. (white looter - attempting to take \$8.00 worth of merch.)
- 2 by police in looted pawn shop--allegedly in self defense--alleged that one man held club and one held pipe.
- 1 by police in Rite-way Auto Parts--was taking merchandise off shelf--ran when police came. Police shot from outside store--man was inside.
- 1 by police running from looted domestic outfitter store. Had been seen earlier carrying two lamps out of store (from which he had made a purchase previous to the riot) Police claim he was caught in fire between police and snipers and was killed by unknown source. All witnesses deny presence of any snipers--five persons were arrested for looting at the same time.

16 of the 37 deaths by gunfire were unconnected with looting

3 persons were shot fatally by Nat'l. Guard at checkpoints. (8%)

- 1 was a Nat'l. Guardsman--the only Guard member to be killed in the disorder. A car with white youths allegedly ran the checkpoint--Guardsmen opened fire. A few minutes later the Guardsman was found on the ground shot. There were no snipers at the incident.
 - 2 were shot in cars allegedly running the checkpoints which were reportedly often unmarked.
- 3 persons were shot at the Algiers Motel under mysterious circumstances. Police have been charged in 2 of the deaths.
- 1 was shot by a Guardsman for not getting out of the street.
 - 1 was shot by Guardsmen while on way to work--allegedly had been looting and was told to halt--later discovered to be deaf and dumb. No looted material reported.

(5)

- 1 was shot by Guardsmen -alleged sniper--was white. Walking down stairs with other men, carrying a broom. Neighborhood was poor white and no sniping reported there.
 - 1 was shot by Guardsmen in building (4 year old child) after man in room lit cigarette. Alleged sniping coming from building.
 - 1 Negro sniper was shot by the police. He was drunk and had been firing from his window. Was reported by people in the neighborhood. Police shot in self-defense. He wounded some policemen.
 - 1 Negro boy was shot by police as a suspected arsonist. He was not engaged in setting a fire at the time--witnesses allege that police forced the boy to run and then shot him.
 - 1 policeman was shot by another policemen's gun while they were scuffling with suspect attempting to escape. He and other prisoner (handcuffed at time) are charged with the death.
- 3 of the 37 deaths by gunfire can possibly be attributed to snipers.
- 1 Fireman was shot while observing gun fight between Nat'l. Guard and snipers. He was shot by someone on the ground with a 30 caliber carbine bullet. The alleged snipers were reportedly on roofs and the Nat'l. Guard used 30 caliber carbine bullets. It seems rather unlikely that the fatal bullet came from sniper--but is so alleged.
 - 1 woman was shot in car by persons unknown. Was killed by pistol shot.
 - 1 woman was shot in motel window by either the police, the Nat'l. Guard or a sniper. Witnesses say bullet came from directly in front of her and a second bullet was found in the wall behind her which was of the type used by Guard. Sniper is alleged by police but they are unable to place the snipers in such a way that they could have fired the fatal bullet.

THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

1016 16TH STREET, N.W.
WASHINGTON, D. C. 20036

Nov 22, 1967

Memorandum

To: Messrs. Sagalyn and Bower

From: Karen Krueger

Subject: ~~Summary - Commission Hearings~~

Conciliatory Police Unit Report

Attachment

Observations on Cincinnati Riot Report made by the Cincinnati
Police Dept.

1. The earliest and most intense stages of the disturbance included many false alarms and attacks on firemen. This was later resolved by taking out alarm boxes in "certain areas" and assigning 1/4 of Nat'l. Guard forces to fire trucks. Guardsmen were not so assigned until Wednesday (3rd day). There were a total of 216 fires and 122 false alarms during the 5 days. 8 firemen were injured and 18 Fire Division vehicles were damaged. Shouldn't a police guard for fire trucks be almost routine in periods of tension?
2. The Forward Command Post established by police on the first evening of the disturbance was moved 3 times. The first time because of its location right in the disturbed area, the next two times because of need for a larger staging area.
3. The first major need of the Forward Command Post was for more supervisors.
4. Mobilization of ~~off-duty~~ personnel was efficient because of previous trial runs.
5. The National Guard was alerted at 12:25 the first night (Monday). The Governor was asked to call out the Guard at 9:20 the second evening. (2 hours after the report states Full Scale Rioting Erupted) At 10:30 Tuesday evening the Governor called out the Guard and proclaimed a state of riot. At 2:32 Wednesday morning the first Guard Units arrived. At 3:25 Wednesday morning the first Guard Units were put in the field. There was a lapse of 6 hours before the first request by the City Manager and the deploy of Guard units. The Guard was reportedly delayed because they had to send to Columbus for ammunition.
6. Early every morning the forces were reduced and command center was deactivated so men could rest. The daytime hours were relatively peaceful. The police had Tuesday daytime to plan for Tuesday evening, which was the worst evening of the disturbance. However when full scale rioting erupted Tuesday evening, there was a serious shortage of personnel! Mobilization had already been effected of local forces.
7. Police asked neighboring police depts. for help at 9:05 Tuesday evening. By 10:30 neighboring police began to arrive at the Forward Command Post.

(2)

8. Neighboring police vehicles were on a different frequency and they didn't know the area. The Cincinnati men were distributed one to each foreign vehicle. They were later distributed in the same way in County Police vehicles and National Guard vehicles.
9. Lots of maps were needed since even many Cincinnati police didn't know the concerned areas.
10. At 10:08 Tuesday evening the Ohio State Highway Patrol was asked to guard State liquor stores, two of which had already been looted. At 10:27 the Ohio SHP replied that they couldn't do this because "of statutory limitations."
11. At 7:05 Tuesday evening, before full scale rioting had erupted but after the patrols planned during the day had been dispatched, a Negro state legislator called to complain that police were riding around with shotguns in plain sight. He said this was an incitement to riot, not a deterrent. Police considered this and disagreed.
12. At no time were community members asked by the police to help control the riot. In fact, they were prevented from roaming the concerned areas. On Wednesday, members of the police/community relations committees were sent a letter saying they would all work together in the future. Police apparently considered the committees successful because a "negligible number of committee members were arrested for riotous conduct."??? On Friday, after the riot was essentially over, police considered the use of a "white hat" patrol and decided against it because of potential danger to youths, lack of a concentrated area, and no discernible persons to whom an appeal could be made.
13. Of the 404 riot connected arrests, the majority were young Negro males, averaging 20 years of age.
14. Police found control of looters very difficult. As police responded, looters would withdraw and go to another store.
15. It was found necessary to assign police details to hospitals and a direct phone line was finally connected between the General Hospital and the Communications Center.
16. Apparently, no curfew was used.
17. On Wednesday evening, a personnel assignment system using index cards for identification of personnel in the riot squad units was established by commanders.

(3)

18. On Wednesday afternoon, a police captain was given the duty of gathering intelligence data. Intelligence, it seems, was lacking and many false calls and rumors were being received by police.
19. On Wednesday, whites were gathering and arming, preparatory to defending their neighborhoods. They stoned cars driven by Negroes. White vigilante cars were also found driving in the concerned areas. No battles took place, however.
20. On the third day of the riot (Wednesday) the disturbance changed from a large crowds kind of thing to small mobile (in cars) groups of rioters. Some sniping occurred. No policemen were hit.
21. Police were very restrained in use of firearms. They only fired three times. All through the disturbance, the mandate of Procedual Manual Order #12.065 was in effect. It said exactly when a man could fire and that all shots would be investigated and the investigation would be put in each connecte mans service jacket. The total insured loss during the disturbance was estimated at 2.63 million dollars but there was only 1 death (a 43 yr. old white civilian) and 63 injuries. (17 policemen and 8 firemen)
22. Recommendations were drawn up after the disturbance on the basis of a questionnaire filled out by commanders at the end of the disturbance. (53)

THE NATIONAL ADVISORY COMMISSION
ON CIVIL DISORDERS
1016 16TH STREET, N.W.
WASHINGTON, D. C. 20036

10/17/67

To David Chambers

We need to also consider the following issues:

- 1) Check - Financial liability - some states of calling out guard - city must foot bill (N.Y.)
- 2) Lead-time necessary to get guard/U.S. Army to point of trouble. Early alert to start process.

Pre-planning/arrangements.

Arnold Sagalyn

file

*Paul:
I will
have this
checked if
Quinn Bureau
does not
know*

*Not my
area*

AS