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**THE POLICE AND THE
MINORITY COMMUNITY IN
NEW BEDFORD, MASSACHUSETTS**

A Report of the
Massachusetts State Advisory Committee to the
U.S. Commission on Civil Rights

July 1971

MASSACHUSETTS STATE ADVISORY COMMITTEE

TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

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*Appointed since the meeting in New Bedford

PREFACE

The United States Commission on Civil Rights

The United States Commission on Civil Rights is an independent agency of the executive branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearing house for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was presented to the U. S. Commission on Civil Rights by the Massachusetts State Advisory Committee (SAC). The conclusions and recommendations are based on the Committee's evaluation of information received at a closed meeting in New Bedford, Massachusetts on June 7 and 8, 1971, and on staff investigations. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President, the Congress, and to Federal agencies.

INTRODUCTION

The sensitive and explosive nature of the relationships between police and members of minority groups has been documented as triggering open conflicts in our Nation's cities, and in the summer of 1970 New Bedford was no exception. On June 7 and 8, 1971, the Massachusetts SAC held a closed meeting in the Public Library in New Bedford to assess the state of the relationship between the police and minority communities, to ascertain the effect of actions taken since last summer, and to make recommendations for further action.

Approximately 50 persons appeared before the Committee. City officials, religious leaders, members of the business community, executives of agencies and organizations involved with the minority communities, minority group policemen, police officials, and community activists participated in the session. Representatives of the Community Relations Service of the U. S. Department of Justice, the Governor's Committee on Law Enforcement, and the Massachusetts State Attorney General's Office also testified. Prior to the meeting, staff and Committee interviews were held with other State and Federal officials who have been concerned with New Bedford.

The total population of the area is about 150,000. Approximately 102,000 or 67 percent live in New Bedford's urban center. The predominant minority groups are Cape Verdean, black, and Puerto Rican. Approximately 11 percent of the population is white with Cape Verdeans forming the largest group. The area is characterized by high unemployment and economic stagnation. Approximately 12 percent of the total population is unemployed, with 20 percent of the nonwhite population falling into this category. The median years of education completed is 8.4, which is 3 years below the median for the State.

Timetable of Events

No attempt will be made to present the events of last summer in detail or to report on developments in the interim. The following brief timetable of events will be helpful in putting the meeting of June 7-8 in perspective:

July 1970:

Scattered instances of confrontations between police and residents of the West End.

Shots fired in West End. One youth, Lester Lima, killed. Three others injured by fusillade. Three white youths charged with murder.

Senator Edward W. Brooke and Congressman Hastings Keith arrive in New Bedford.

Minority Ad Hoc Committee formed which presents to Mayor Rogers five demands (which later expanded to 29).

Governor Sargent sends Thomas Atkins, black member of the Boston City Council, to New Bedford as a factfinder and to make recommendations.

August 1970:

Twenty-one black youths arrested. The "New Bedford 10" charged with conspiracy to murder, anarchy, and other violations. Two of the 10 also charged with possession of firearms and receiving stolen property.

Attorney General Quinn's office instructs its Civil Rights and Liberties Division head, Wayne Budd, to give priority to specific complaints of police misconduct received by the Office of the Massachusetts Attorney General. The New Bedford Police Department requested to investigate 13 complaints.

October 1970:

Appointment by Mayor Rogers of two Police Community Relations Specialists, John L. Kydd and James Smith. \$26,000 per year funded by Governor's Committee on Law Enforcement.

January 1971:

Attorney General's Report issued to the public with a proposal for action on citizen's grievances to be submitted by March 25th.

Massachusetts Law Reform Institute files four Federal Civil Rights Damage Actions against 11 police officers and Chief Pelletier.

February 1971:

Urban Coalition asks for four more Police Community Relations aides to give arrested minority group persons someone with whom to identify.

March 1971:

First meeting of Greater New Bedford Committee to Support Your Local Police. Fifty-five persons attended.

Charges dropped by the District Attorney against eight of the New Bedford 10 for lack of evidence.

April 1971:

Attorney General issues "Uniform Procedure Recommended For The Investigation and Disposition of Citizens Complaints Concerning Police Officers in the Commonwealth of Massachusetts."

American Friends Service Committee, Inc. sponsors a Court Monitoring Project. Four youths assigned to courthouse.

May 1971:

An all-white jury in Fall River acquits the three white youths charged with murder in the death of Lester Lima.

New Bedford policemen and firefighters stoned on two occasions while answering fire calls in the South and West Ends.

Of the two remaining members of the "New Bedford 10" one youth acquitted. The other, Robert Stevens, sentenced to 6 months in jail, with no appeal bond allowed, for carrying a pistol without a permit.

June 1971:

Closed meeting of the Massachusetts State Advisory Committee to the U. S. Commission on Civil Rights.

All participants in the meeting were asked to comment on one or more of the following points:

1. The present state of police-community relations and prognosis for the summer.
2. Those factors which tend to improve, and those factors which tend to worsen, police-community relations.
3. Specific suggestions which can be taken by public officials, private citizens, the police, and others to improve police-community relations.

FINDINGS

The responses of persons appearing before the Committee were varied with certain officials tending to see the problem resulting from "troublemakers in the community" while minority group activists felt that relationships have been bad for a long time and are deteriorating. Some civic leaders felt that the best that could be said was that New Bedford was "inching forward." The mayor pointed to the increased recreation program and to major plans in progress to alleviate the housing situation. These programs, when achieved, should have a long-term salutary effect, he felt. It is well recognized that the problems of New Bedford in the areas of jobs and housing are critical and must be solved before any long term solutions in the police-community relations area will come to fruition.

However, the consensus was that tensions are high between police and at least certain components of the minority communities. The quality of life for all persons in New Bedford, but particularly that of minority group individuals and the police, would be improved if this condition could be ameliorated.

The group particularly alienated from the police is that of the young minority group males. This fact was attested to by numerous witnesses. It was also dramatically evident from the report of the police chief and his staff that whereas in the past nonwhite individuals were always among those taking the police examination for New Bedford, this has "stopped cold" in the past 2 years. In addition, a newly established Police Cadet Program was reported by the police to have attracted no nonwhite applicants. Both lack of

desire to join the police force as they now conceive it to be and peer group pressures apparently serve to discourage minority group youths from applying. The tension existing between the police force and young adult male members of minority groups is particularly critical in its implications for the future.

The police department in New Bedford possesses several factors in its favor for potentially improving its image and thus its effectiveness in the nonwhite communities in New Bedford. Approximately 10 percent of the 254 man police force consists of individuals of Cape Verdean or Afro-American ancestry. Recently a Puerto Rican has joined the department. These men are assigned to all areas of the city and to different units -- juvenile, detective, and the like. Two of the men are sergeants. It should be noted, however, that the sergeants have only recently attained their rank, despite the fact that they are long-time members of the force. The rigidity of civil service regulations was cited as being a factor in the lack of promotions and in inhibiting innovative steps by the department. These minority group officers are a group, particularly if their ranks were to be expanded and upgraded, which has great potential for dealing affirmatively with the improvement of police-community relations.

The police officials also expressed a desire to be innovative in modernizing the department and in improving the planning capabilities. Money has been allocated for a criminal justice planner to be hired by the city. The entire police department is now undergoing human relations training, the officers at Babson Institute in Babson Park, Massachusetts and the patrolmen in New Bedford. However, apparently

there has been little publicity about this and little involvement of local minority group individuals in the training programs. The police officials were willing to consider such ideas as civilians riding in patrol cars, a substation in the West End, foot patrolmen in the West and South Ends, community service officers (if no one could accomplish this within Civil Service requirements), meeting with community groups (provided discussions would not become confrontations) and a cadet program. The expressed willingness of the police to consider innovative approaches is a hopeful sign. If such new ideas and new programs are tried and widely publicized, and minority group leaders cooperate with such efforts, real improvement in police-community relations should follow. On the other hand, some police officials still seem to categorize persons as either good or trouble-makers, when this is an over-simplified view of reality. Witnesses at the meeting complained of instances of police behavior which they believed to be contributing to tensions between the police and minority group communities. These included excessive use of force, provocative displays of force, verbal abuse, insulting gestures, overtly prejudiced individuals assigned to work within the areas of the city where minority groups are concentrated, poor utilization of minority group officers in tension situations, harassment by police of minority group individuals (both generally and by specific persons), lack of sensitivity in dealing with nonwhites, unwillingness to support the police-community relations specialists, unwillingness to consider and act on suggestions for improving police-community relations, failure to discipline policemen whose

actions are discriminatory, failure to act on brutality complaints, failure to employ higher ranking minority group officers, intimidation of persons desiring to file complaints, selective use of charges against nonwhite persons, and an unwillingness to try to communicate with those persons who feel aggrieved by police actions--particularly when the first step in establishing such communication involves vituperative verbal assaults on the police.

It was not possible at the meeting to determine the validity of the complaints, nor was this the purpose of the meeting. However, from the standpoint of police-community relations, the fact that such beliefs are held by minority group leaders and those who have day to day contact with the minority communities, augurs ill for the establishment of a police-community relationship which will facilitate the performance of the police in their services to the entire city. On the other hand, it was noted by police that while the department was often subject to criticism, commendable activities were never mentioned. Concrete actions must be made more visible to have positive impact on police-community relations.

The establishment of two police-community relations specialists with funds from the Law Enforcement Assistance Administration (LEAA) in the mayor's office followed last summer's disruption. The men employed have worked diligently but under considerable handicaps. There was little set up in the way of formal training for these persons. The city council has criticized the procedure under which the police-community relations

program was established, the method of funding, and has even gone so far as to fail to approve the payment of telephone bills (the mayor subsequently found other sources of funds). There have also been general comments on the part of certain city councilmen on the lack of necessity for a police-community relations program. The interference with the program by such actions has been minimal; however, the effect of the publicity has served to lower the image of the program and thus its credibility. The program needs to be on a secure basis to be effective. It lacks sufficient manpower, program funds, and prestige to have a major impact in achieving the structural changes needed in New Bedford. The specialists' powers and responsibilities are not clear. The present program needs additional manpower to permit it to expand into all areas of the city. The employment of Puerto Rican and white individuals has been requested.

The city human relations commission was staffed with a director after last summer, and recently an educational specialist has been added. This commission basically suffers from the same problems as the police-community relations specialists.

The role of the city council and the mayor are particularly important in providing a joint leadership in improving police-community relations. It is significant that the president of the city council testified to a lack of complaints against the police brought to individual councilors, some of whom are elected from wards, and all of whom are white. The religious and business leaders

all pointed to the leading role of the elected political leaders in describing their own lack of power to effect change. The religious coalition has made suggestions to city officials, but did not present strong examples of their activities on a congregational basis. The Religious Society of Friends supported a court watching project and the Unitarian Church has begun efforts to establish a bail bond project in conjunction with minority group persons. Businessmen have helped with funds and to some extent have worked with the Urban Coalition, but they reported little efforts on their own. The publisher of the New Bedford Standard Times has written editorials on the need to improve police-community relations and stated that his paper planned to devote space to this topic. He suggested feature stories on programs functioning elsewhere, such as in Holyoke, so that the public might be informed on possibilities for change.

There are many non-English speaking persons in New Bedford. The Portuguese speaking individuals are fortunate that there are numerous police officers who can speak that language. However, Spanish speaking individuals are not so advantaged, as there is only one Puerto Rican policeman which often makes it necessary to call in interpreters. Rigid civil service regulations and the Puerto Ricans's negative image of the police were cited as reasons for the inadequate number of Spanish speaking policemen.

The relations between police and minority groups is influenced by the working of the entire judicial system. The recent naming of two black bail bond commissioners is a step toward improving this

area. The high bail and no bail cases in New Bedford have had a deleterious effect on the image of the legal system. The bail bond project referred to earlier, if successful, may help here. The recent acquittal of the white youths accused of murdering Lester Lima on all charges gives an image that it is "open season" on minority groups in New Bedford. The maximum sentence 6 months with no appeal bail, imposed on Robert Stevens, who is black, for having a pistol without a permit last summer gives a contrasting picture of the way justice appears to work. Mr. Stevens has an outstanding record, is a family man, a Vietnam veteran, and a college student who has been elected to the board of trustees of Southeastern Massachusetts University. These recent actions have raised the alienation level of minority group persons with the entire system of justice. The district attorney is attempting to form a liaison committee to aid him in communicating the work of his office to all of the diverse communities of New Bedford.

The witnesses, such as the director of the Governor's Committee on Law Enforcement, who have expertise in police matters were unanimous in stating the need for basic structural reforms in police departments so that they might effectively perform their vital community service in today's time. The LEAA grants were stated to be designed to work toward this end. It was noted, however, that not all the grants given in Massachusetts specify affirmative action to employ and involve minority groups. In addition, it was noted that although the fact that the Community Relations Service and Law Enforcement Assistance Administration are both in the Department of Justice, the former's approval, despite its expertise, is not required in the development and monitoring of police-community

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relations programs in a city are not a prerequisite to receiving LEAA grants. Few minority group members are employed by the Governor's Committee on Law Enforcement.

Recommendations

The following recommendations, proposals, and suggestions are made to the Commission on Civil Rights, and to those interested in improving police-community relations in New Bedford:

The City Council and Mayor:

1. The New Bedford City Council should promulgate an ordinance requiring nondiscrimination and an affirmative action program in every department of the city government, with appropriate enforcement procedures.
2. The New Bedford City Council should support the funding of the two existing police-community relations specialists and two additional specialists. Such persons should be broadly representative of the various racial groups in the city. The specialists should develop a well defined area of operation and have programmatic funding and responsibilities. Training should be provided.
3. The mayor and the city council should review the purpose and activities of the human relations commission and give it the needed powers, responsibilities, and staff to enable it to play a maximum effective role in both majority and minority communities.
4. The city council, together with the mayor, should establish an ombudsman, who is acceptable to all major groups, to review complaints filed by citizens against any city department or agency.

The Police Department:

1. The New Bedford Police Department should develop an aggressive recruitment program designed to attract a greater number of minority persons to the police field, including the new police cadet program. There is a particular need for native Spanish speaking individuals. Programs such as Neighborhood Youth Corps and New Careers Program should be involved in this effort. Affirmative steps should also be taken to upgrade minority group officers.
2. The police department should appoint a minority person to a top policy-making position within the department. Minority group policemen should play a major role in police-community relations and in police recruitment.
3. Police department officials should meet on a regular basis with interested citizens to discuss problems affecting police-community relations. Such discussions should be held on an area basis and develop into regular committees under a citywide umbrella. These committees should develop recommendations to improve citizen-police cooperation.

4. Disciplinary action taken against police officers by the department should be made public. Likewise, commendatory activities of the police department should get full publicity. An expanded budget for public information on police activities should be considered.
5. The procedure suggested by the Massachusetts Attorney General's office for processing complaints against the police should be adopted, with particular reference to the prompt public reporting of findings.
6. The police department should take steps to see that actions of police are not provocative, discriminatory, or expressive of prejudice and that a climate is established whereby accusations of such actions would not have credence. Strict enforcement of department regulations against using racial slurs or insults should be carried out and publicized.
7. Departmental regulations governing the use of deadly weapons should be publicized.
8. The public should be made aware of human relations training given to the police. Use should be made of local minority group individuals in such training.
9. Innovative programs should be considered and tried such as team policing (now being tried in Holyoke, Massachusetts) which includes community service officers from the local areas who are then encouraged to become full policemen. Such programs should be investigated by visits to areas where they are being tried and by bringing persons with such expertise to New Bedford for consultation.
10. The position of criminal justice planner should be filled quickly. Consideration should be given to selecting an individual with a firm understanding of police-community relations and an ability to communicate with minority groups. Items mentioned at the meeting such as a substation in the West End, foot patrolmen in the South and West Ends, a police community-relations officer in the police department in addition to those in the mayor's office, careful selection of officers to be assigned in tension areas, employment of minority group individuals in civilian jobs in the police department, and community service officers, should all receive thorough study by this office.

The District Attorney:

1. The district attorney's proposed liaison committee should include activist minority group individuals and should consist of a sufficient number of minority group individuals. Information regarding the committee should be thoroughly circulated throughout the community.

The Massachusetts Attorney General:

1. The State attorney general's office should pursue its efforts to develop a police-community relations program for New Bedford.
2. The State attorney's office should establish a policy of full reporting on complaints of police misconduct filed with that office.

The Governor's Committee on Law Enforcement:

1. The Governor's Committee on Law Enforcement should employ sufficient numbers of minority group individuals so that such individuals may play an important role in developing and implementing policies. This should also apply to advisory boards.
2. The Governor's Committee on Law Enforcement should give high priority to funding programs in New Bedford that will effect structural changes in the police department. The goal of such programs should be to improve the police department's ability to deal equitably with all persons in high tension areas and to prevent conflicts before they erupt.
3. The Governor's Committee on Law Enforcement should give aid in developing the program of the police-community relations specialists and in funding training for such specialists.
4. The Governor's Committee on Law Enforcement should issue guidelines requiring affirmative action to insure minority participation in all programs funded by the committee.

The U. S. Department of Justice:

1. The U. S. Department of Justice should investigate the circumstances surrounding the death of Lester Lima to determine if Federal law has been violated. Prompt and vigorous prosecution should be initiated if such violations are found. 1/
2. The Regional Office of the Community Relations Service of the U. S. Department of Justice should give high priority to working to develop better relations between the police and minority group communities in New Bedford. It should also aid in strengthening the programs for recruitment of minority group policemen and their effective utilization.

1/ Prior to the publication of this report the Office of General Counsel of the U. S. Commission on Civil Rights transmitted this recommendation in a letter to the U. S. Department of Justice. The Department's response stated, "...there is no basis for any action by this Department." The letters are attached to this report as exhibits A and B.

3. The Community Relations Service should be required to approve and monitor LEAA grants on police-community relations.
4. The Community Relations Service should develop and implement training programs for persons working as police-community relations specialists.
5. The Law Enforcement Assistance Administration of the U. S. Department of Justice (LEAA) should require the presence of an effective police-community relations program as a prerequisite for a city to receive other grants.

General Recommendations:

1. The role of the Massachusetts Civil Service in the employment and upgrading of minority group police officers should be explored. This inquiry should consider any obstacles that might exist to implementing innovative ideas such as employing community service officers and also any obstacles to proper discipline of policemen.
2. Efforts should be made to increase minority representation in the entire justice system in the New Bedford area, as well as to improve the functioning of the judicial system for minority group persons.
3. The religious, civic, and business leaders should give high priority to efforts to improve the climate of opinion in New Bedford and to establish a city where all citizens can work together on the basis of true equality.

Postscript

The Massachusetts State Advisory Committee to the U. S. Commission on Civil Rights pledges to work vigorously to urge the implementation of the Recommendations contained in this report. It will meet with Federal, State, and local officials, and with private citizens, in an effort to achieve this goal. An assessment will be made of any changes which occur to determine their effectiveness. The Committee will make reports on its activities in behalf of the implementation of its recommendations.

The Committee calls upon the Commission on Civil Rights to provide increased supportive services to the Massachusetts SAC in its efforts in New Bedford.

UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

August 2, 1971

Honorable David L. Norman
Acting Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Norman:

The Commission has received a request from our Massachusetts State Advisory Committee, asking us to recommend that the Department of Justice investigate the circumstances surrounding the death of Lester Lima, in New Bedford, Massachusetts.

Because of the serious concern of the black community of New Bedford, and our State Advisory Committee, and because of the prospect that a thorough investigation may disclose violation of Federal law, we request an investigation by your Department to determine whether or not Federal law has been violated in the death of Mr. Lima. Enclosed please find relevant materials concerning this matter.

We have informed the Massachusetts State Advisory Committee that we have referred the matter to you. The Commission is interested in this matter and would appreciate a report of any action taken.

Sincerely,

(Signed)

John H. Powell, Jr.

JOHN H. POWELL, JR.
General Counsel

APPENDIX B



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

SEP 9 1971

Address Reply to the
Division Indicated
Refer to Initials and Number
DLN:MWH:JRW:jbb
DJ 144-36-0

Mr. John H. Powell, Jr.
General Counsel
United States Commission
on Civil Rights
Washington, D. C. 20425

Dear Mr. Powell:

This is to acknowledge receipt of your letter of August 2, 1971, concerning the killing of Lester Lima in New Bedford, Massachusetts on July 11, 1970, by private individuals. I apologize for the delay in responding.

On the basis of information set forth in the attachments to your letter and other information in our possession, we have concluded that no violation of a federal criminal statute appears to be involved.

It should also be noted that the persons who allegedly committed this act were indicted for the killing and then tried and acquitted after a vigorous prosecution in a Massachusetts state court.

In view of the above, there is no basis
for any action by this Department.

Sincerely,

DAVID L. NORMAN
Assistant Attorney General
Civil Rights Division

By:

Maceo W. Hubbard

MACEO W. HUBBARD
Supervisory Trial Attorney
Criminal Section