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The Police in America

An Introduction

Samuel Walker



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Samuel Walker

University of Nebraska at Omaha

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AN INTRODUCTION

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PREFACE

The Police in America: An Introduction is written to provide a comprehensive introduction to the basic elements of policing in the United States. It is essentially descriptive, designed to acquaint the reader with the most current knowledge about police organizations, police officers, police work, and the most critical police problems. It is not prescriptive in that it does not recommend particular styles or tactics of policing. Where it does comment on the apparent effectiveness of various concepts or tactics, it does so by citing the relevant social science literature.

This is not to say that the book is without perspective. A consistent bias informs the presentation of the material. *The Police in America* reflects the commitment to the ideal of a professional police in a free society. That means the police should be responsive to the needs of the public, as indicated through an open political process, and responsive to the rule of law. Much of this book deals with the difficulties in achieving this ideal.

The primary audience for *The Police in America* is the undergraduate college student. The book is designed to be used in a student's first course on law enforcement. Because it provides a comprehensive overview of police and policing, many instructors may find it useful in courses on law enforcement organization and management or police-community relations.

The book will also be useful to others. Police officials, whether patrol officer or top executive, will find it a useful overview. It will guide them to the most recent and most relevant literature on particular topics. The footnote references will guide them to specific items and allow them to pursue topics in greater depth. Finally, the concerned citizen will find this book a helpful guide in sorting out the controversies and complex issues surrounding the police in America.

ACKNOWLEDGMENTS

This book is the product of my own education about the police and I would like to thank the many people who have contributed to that process. Policing in my own community is a volatile political issue as it is in other cities. I have attempted to maintain lines of communication with all sides and have learned much in the process

of reconciling very different points of view. From many people in the community I have gained insight into the impact of policing on the lives of ordinary citizens and the intensity of feelings about the police and police operations. At the same time, individual police officers I have come to know, initially as students, have taught me much about the gritty reality of police work in an urban community. From them I have gained insight into the human reality of policing: what it means to carry out unpleasant tasks and to work in an organizational environment that is ill-equipped to recognize and reward good performance.

A number of individuals have contributed to the production of this manuscript. Egon Bittner, Lawrence Sherman, John Angell and Carl Klockars read the manuscript twice and made extremely helpful comments. The arrangement of the chapters, the focus of particular chapters, and the discussion of certain topics has been greatly improved as a result of their efforts. Whatever mistakes remain, of course, are my own responsibility. Finally, my editor, Eric Munson, has provided encouragement and support throughout the past two and a half years.

Samuel Walker

THE POLICE IN AMERICA

AN INTRODUCTION

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CHAPTER 1

THE DEVELOPMENT OF THE AMERICAN POLICE

THE RELEVANCE OF HISTORY

To understand the police in America today it is necessary to examine the history of American policing. To a great extent, the police are the prisoners of the past. Day-to-day practices are influenced by deeply ingrained traditions, citizen attitudes toward the police, and relations between police and community.

The study of police history can serve as a guide to the present and heighten our awareness of the complex interaction between past problems, reforms, and change.

The Legacy of Past Problems Corruption and inefficiency have dominated American policing through much of its history. These ancient problems linger on, although some departments have succeeded in raising personnel standards and improving the quality of police work. More important, these past problems affect the *public image* of American policing. Bad reputations die hard, and police-community relations are deeply affected by this legacy.

The Impact of Reform The quality of police personnel, the nature of police organizations, and the state of police-community relations are products of the long struggle to professionalize the police, which began roughly in 1900.¹

Many current police problems are the result of solutions to yesterday's problems. In the 1960s, experts awoke to discover that the special form of American police professionalism was itself a problem. Many of the proposed changes of the 1960s and 1970s were designed to undo the work of earlier reformers.

The Direction of Change Change is constant. Contrary to popular belief, the nature of American policing is continually changing. To understand the contemporary police it is important to recognize the direction of change, to know, for example, how some police departments have substantially reduced the use of firearms, or why police unions emerged and how they have affected policing. It is useful to understand the nature of change, or the lack of it, in the area of police-community relations.

Once we can see the direction of change, it is possible to isolate the factors that brought it about. In this respect, the study of history can contribute directly to contemporary police planning and policy making.

THE ENGLISH HERITAGE

American policing is a product of its English heritage. The colonists brought to this country the institutions and practices of their criminal justice system, including their established patterns of law enforcement.²

Three dominant features of American policing can be attributed to this heritage. The first is a tradition of *limited authority* for police officers. The powers and responsibilities of law enforcement agents are closely circumscribed by law. The Anglo-American tradition places a premium on individual liberty at the expense of social control. Continental European countries give their law enforcement personnel much broader powers. German citizens, for example, are required to carry identity cards and report changes of address to police authorities.³

Other countries, including those in continental Europe, have a tradition of centralized responsibility for law enforcement. The Anglo-American tradition is characterized by *local control*. As a result, American policing today is highly decentralized and fragmented. There are an estimated 20,000 different law enforcement agencies, with only minimal coordination between them (see Chapter 3). This is related to the third feature, a system of *fragmented law enforcement authority*. Responsibility for law enforcement is divided among several different local agencies, including the constable, the sheriff, the justice of the peace, and finally, the metropolitan police.

Formal law enforcement agencies emerged in England in the thirteenth century. The office of the constable acquired responsibility for keeping the peace. The constable was also the elected official of the manor or county parish and functioned as the executive of this local unit of government. The Statute of Winchester in 1285 added important elements to the emerging system of law enforcement. It introduced the “watch and ward,” which required all men in a given town to serve on the night watch to guard against fires, crimes, and suspicious persons. It also revived the ancient “hue and cry,” making all citizens responsible for pursuing fugitives from justice. Finally, the statute required all males to maintain weapons in their homes for use in protecting the public peace.⁴

The Statute of Winchester set the pattern for English law enforcement until the nineteenth century. English institutions, however, were a jungle of overlapping offices inherited from the past. Alongside the constable was the sheriff (originally “shire reeve”) from whom the American sheriff is descended. The English sheriff was more a tax collector than a law enforcement agent. The justice of the peace emerged in the fourteenth century as an important element of the local system of justice.

The London Metropolitan Police

By the nineteenth century, London had developed into a vast industrial city, and existing law enforcement agencies were completely inadequate. The Gordon riots of 1780 were only the most serious example of a pervasive level of disorder. For nearly fifty years, Parliament debated the question of police protection. The issue was finally settled in 1829 with the creation of the London Metropolitan Police, an agency that set the model for subsequent British and American police forces.⁵

The “new” police, as they were called, represented a radically different approach to the problem of maintaining order. The London Metropolitan Police embodied a new mission, strategy, and organizational structure. The *mission* of the new police was crime prevention. It represented the utilitarian philosophy that it was better to prevent crime from occurring than to merely respond after the fact. This mission was to be accomplished through the *strategy* of preventive patrol. Officers would conduct continuous patrol over fixed “beats.” The continuous presence of police would effectively deter crime.

While others, including Patrick Colquhoun, contributed to the theoretical concept, the true founder of the London Metropolitan Police was Robert Peel. Peel led the legislative fight from the introduction of his first bill in 1785 until his final success in 1829. The London police owe their popular name “bobbies” to Sir Robert.

The *organizational structure* of the London Metropolitan Police was also unique. Peel borrowed, with some modification, the structure and terminology of the military. The 3000-officer force was divided into seventeen divisions, each commanded by a superintendent, who in turn commanded four inspectors and sixteen sergeants. The entire force was directed by two commissioners who were responsible to the Home Office, a cabinet-level position in British government. In addition to rank designations, officers wore distinctive uniforms and were commanded through a military-style discipline. The London Metropolitan Police were the source of the military model in American policing.

In practice, the new police were a radical innovation. Allan Silver argues that the police “represented the penetration and continual presence of central political authority throughout daily life.”⁶ The control and regulation of daily life is one of the major features of modern society. Initially, the London Metropolitan Police aroused the hostility of the public. Eventually, however, the police—who were unarmed and commanded to treat citizens with civility—won their respect and support.

LAW ENFORCEMENT IN COLONIAL AMERICA

English settlers in America brought with them the institutions they had known in the old world. These institutions, however, were gradually transformed to suit the conditions of the new environment. Eventually, American law enforcement acquired its own unique character and traditions.⁷

Institutions

The principal institutions of law enforcement in colonial America were the sheriff, the constable, and the watch. The *sheriff* soon emerged as the most important law enforcement agent. Appointed by the governor of the colony, the sheriff became the principal government official in the county. Because the population was dispersed throughout rural areas in most colonies, the county became the major unit of local government. In addition to law enforcement, the sheriff was responsible for collecting taxes, conducting elections, and maintaining public facilities such as bridges and roads.

The *constable* functioned as a “little sheriff” in the colonial towns and cities. Like the sheriff, the constable was responsible for a broad range of civil as well as criminal duties. At first, the constable’s office was elective in most areas, but it gradually evolved into a semiprofessional appointive office. While in many areas, people sought to evade service as a constable, in Boston the office became a desirable and potentially lucrative position.⁸

The *watch* resembled the modern-day police in certain respects. Members of the watch were responsible for protecting the city at night from fires, crime and disorder, and suspicious persons. Boston created its watch in 1634. In keeping with the English tradition of collective responsibility, service on the watch was the duty of all male citizens. Watchmen were essentially drafted for duty, and as the years went by, men

increasingly sought to evade this responsibility. Originally, the watch was exclusively a nighttime activity, although eventually some of the larger cities instituted a day watch.⁹

The Quality of Law Enforcement

The quality of service provided by the sheriff, the constable, and the watch was extremely poor. Very quickly, inefficiency, corruption, and political interference emerged as American traditions. There was never a golden age of efficiency and integrity in American law enforcement.

With respect to *police protection*, the existing institutions were ill-equipped to prevent crime or apprehend offenders. Only the watch had crime prevention as part of its mission. The sheriff and constable were *reactive* agencies, responding only to criminal complaints brought to them. Furthermore, all three agencies lacked the personnel to effectively apprehend criminals.

Order maintenance was also a problem. The colonial cities were filled with disorder, and organized rioting was a frequent form of political action. The watch functioned only at night and was ill-equipped to deal with major disorders. The sheriff and constable, the only officials on duty during the day, also had extremely limited capacity. Colonial newspapers were filled with complaints about crime, disorder, and rioting.

The concept of *service*, in the modern sense, did not exist for colonial law enforcement agencies. The sheriff and the constable carried out various civil responsibilities for local government but did not exist to provide direct services to individual citizens.

Law enforcement was relatively inefficient in the settled areas along the Atlantic coast. In the sparsely settled frontier areas inland, it was virtually nonexistent until the nineteenth century. Frontier communities were forced to rely on their own resources for basic protection and law enforcement. This necessity contributed to the American tradition of vigilantism. Citizens took the law into their own hands because often there was no official law at all.¹⁰

Colonial law enforcement agencies also developed a tradition of corruption very early. Many citizens evaded nightwatch duty, often by paying someone else to serve for them. Sheriffs and constables were paid through a system of fees, with a prescribed fee for such tasks as serving a subpoena, testifying in court, maintaining a prisoner in jail, and so forth. In the larger communities, the office of sheriff or constable could be the source of considerable income. Rather than public servants, officers were often entrepreneurs, using the office for personal gain. Finally, the records of colonial courts are filled with cases of alleged misconduct. Citizens responded in kind, and court records also indicate widespread citizen disrespect and abuse of officials.¹¹

As local officials, law enforcement agents were important political figures. In Virginia and North Carolina, for example, sheriffs were appointed by the governor only upon the recommendation of the county courts. The courts, meanwhile, were controlled by the wealthy elite. Because of its responsibilities for collecting taxes and supervising elections, the sheriff's office was the most important local political office.