

# The History of Policing in the United States

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The development of policing in the United States closely followed the development of policing in England. In the early colonies policing took two forms. It was both informal and communal, which is referred to as the "Watch," or private-for-profit policing, which is called "The Big Stick" (Spitzer, 1979).

The watch system was composed of community volunteers whose primary duty was to warn of impending danger. Boston created a night watch in 1636, New York in 1658 and Philadelphia in 1700. The night watch was not a particularly effective crime control device. Watchmen often slept or drank on duty. While the watch was theoretically voluntary, many "volunteers" were simply attempting to evade military service, were conscript forced into service by their town, or were performing watch duties as a form of punishment. Philadelphia created the first day watch in 1833 and New York instituted a day watch in 1844 as a supplement to its new municipal police force (Gaines, Kappeler, and Vaughn 1999).

Augmenting the watch system was a system of constables, official law enforcement officers, usually paid by the fee system for warrants they served. Constables had a variety of non-law enforcement functions to perform as well, including serving as land surveyors and verifying the accuracy of weights and measures. In many cities constables were given the responsibility of supervising the activities of the night watch.

These informal modalities of policing continued well after the American Revolution. It was not until the 1830s that the idea of a centralized municipal police department first emerged in the United States. In 1838, the city of Boston established the first American police force, followed by New York City in 1845, Albany, NY and Chicago in 1851, New Orleans and Cincinnati in 1853, Philadelphia in 1855, and Newark, NJ and Baltimore in 1857 (Harring 1983, Lundman 1980; Lynch 1984). By the 1880s all major U.S. cities had municipal police forces in place.

These "modern police" organizations shared similar characteristics: (1) they were publicly supported and bureaucratic in form; (2) police officers were full-time employees, not community volunteers or case-by-case fee retainers; (3) departments had permanent and fixed rules and procedures, and employment as a police officers was continuous; (4) police departments were accountable to a central governmental authority (Lundman 1980).

In the Southern states the development of American policing followed a different path. The genesis of the modern police organization in the South is the "Slave Patrol" (Platt 1982). The first formal slave patrol was created in the Carolina colonies in 1704

(Reichel 1992). Slave patrols had three primary functions: (1) to chase down, apprehend, and return to their owners, runaway slaves; (2) to provide a form of organized terror to deter slave revolts; and, (3) to maintain a form of discipline for slave-workers who were subject to summary justice, outside of the law, if they violated any plantation rules. Following the Civil War, these vigilante-style organizations evolved in modern Southern police departments primarily as a means of controlling freed slaves who were now laborers working in an agricultural caste system, and enforcing "Jim Crow" segregation laws, designed to deny freed slaves equal rights and access to the political system.

The key question, of course, is what was it about the United States in the 1830s that necessitated the development of local, centralized, bureaucratic police forces? One answer is that cities were growing. The United States was no longer a collection of small cities and rural hamlets. Urbanization was occurring at an ever-quickening pace and old informal watch and constable system was no longer adequate to control disorder. Anecdotal accounts suggest increasing crime and vice in urban centers. Mob violence, particularly violence directed at immigrants and African Americans by white youths, occurred with some frequency. Public disorder, mostly public drunkenness and sometimes prostitution, was more visible and less easily controlled in growing urban centers than it had been rural villages (Walker 1996). But evidence of an actual crime wave is lacking. So, if the modern American police force was not a direct response to crime, then what was it a response to?

More than crime, modern police forces in the United States emerged as a response to "disorder." What constitutes social and public order depends largely on who is defining those terms, and in the cities of 19th century America they were defined by the mercantile interests, who through taxes and political influence supported the development of bureaucratic policing institutions. These economic interests had a greater interest in social control than crime control. Private and for profit policing was too disorganized and too crime-specific in form to fulfill these needs. The emerging commercial elites needed a mechanism to insure a stable and orderly work force, a stable and orderly environment for the conduct of business, and the maintenance of what they referred to as the "collective good" (Spitzer and Scull 1977). These mercantile interests also wanted to divest themselves of the cost of protecting their own enterprises, transferring those costs from the private sector to the state.

Maintaining a stable and disciplined work force for the developing system of factory production and ensuring a safe and tranquil community for the conduct of commerce required an organized system of social control. The developing profit-based system of production antagonized social tensions in the community. Inequality was increasing rapidly; the exploitation of workers through long hours, dangerous working conditions, and low pay was endemic; and the dominance of local governments by economic elites was creating political unrest. The only effective political strategy available to exploited workers was what economic elites referred to as "rioting," which was actually a primitive form of what would become union strikes against employers (Silver 1967).

The modern police force not only provided an organized, centralized body of men (and they were all male) legally authorized to use force to maintain order, it also provided the illusion that this order was being maintained under the rule of law, not at the whim of those with economic power.

Defining social control as crime control was accomplished by raising the specter of the "dangerous classes." The suggestion was that public drunkenness, crime, hooliganism, political protests and worker "riots" were the products of a biologically inferior, morally intemperate, unskilled and uneducated underclass. The consumption of alcohol was widely seen as the major cause of crime and public disorder. The irony, of course, is that public drunkenness didn't exist until mercantile and commercial interests created venues for and encouraged the commercial sale of alcohol in public places. This underclass was easily identifiable because it consisted primarily of the poor, foreign immigrants and free blacks (Lundman 1980: 29). This isolation of the "dangerous classes" as the embodiment of the crime problem created a focus in crime control that persists to today, the idea that policing should be directed toward "bad" individuals, rather than social and economic conditions that are criminogenic in their social outcomes.

In addition, the creation of the modern police force in the United States also immutably altered the definition of the police function. Policing had always been a reactive enterprise, occurring only in response to a specific criminal act. Centralized and bureaucratic police departments, focusing on the alleged crime-producing qualities of the "dangerous classes" began to emphasize preventative crime control. The presence of police, authorized to use force, could stop crime before it started by subjecting everyone to surveillance and observation. The concept of the police patrol as a preventative control mechanism routinized the insertion of police into the normal daily events of everyone's life, a previously unknown and highly feared concept in both England and the United States (Parks 1976).

Early American police departments shared two primary characteristics: they were notoriously corrupt and flagrantly brutal. This should come as no surprise in that police were under the control of local politicians. The local political party ward leader in most cities appointed the police executive in charge of the ward leader's neighborhood. The ward leader, also, most often was the neighborhood tavern owner, sometimes the neighborhood purveyor of gambling and prostitution, and usually the controlling influence over neighborhood youth gangs who were used to get out the vote and intimidate opposition party voters. In this system of vice, organized violence and political corruption it is inconceivable that the police could be anything but corrupt (Walker 1996). Police systematically took payoffs to allow illegal drinking, gambling and prostitution. Police organized professional criminals, like thieves and pickpockets, trading immunity for bribes or information. They actively participated in vote-buying and ballot-box-stuffing. Loyal political operatives became police officers. They had no discernable qualifications for policing and little if any training in policing. Promotions within the police departments were sold, not earned. Police drank while on patrol, they

protected their patron's vice operations, and they were quick to use peremptory force. Walker goes so far as to call municipal police "delegated vigilantes," entrusted with the power to use overwhelming force against the "dangerous classes" as a means of deterring criminality.

In the post-Civil War era, municipal police departments increasingly turned their attention to strike-breaking. By the late 19th century union organizing and labor unrest was widespread in the United States. New York City had 5,090 strikes, involving almost a million workers from 1880 to 1900; Chicago had 1,737 strikes, involving over a half a million workers in the same period (Barkan 2001; Harring 1983). Many of the "riots" which so concerned local economic elites were actually strikes called against specific companies. The use of public employees to serve private economic interests and to use legally-ordained force against organizing workers was both cost-effective for manufacturing concerns and politically useful, in that it confused the issue of workers rights with the issue of crime (Harring 1981, 1983).

Police strike-breaking took two distinct forms. The first was the most obvious, the forced dispersal of demonstrating workers, usually through the use of extreme violence (Harring 1981). The second was more subtle. In order to prevent the organization of workers in the first place, municipal police made staggering numbers of "public order" arrests. In fact, Harring concludes that 80% of all arrests were of workers for "public order" crimes (Harring 1983). In Chicago, according to Harring the police force was "viciously anti-labor ... On a day-to-day basis it hauled nearly a million workers off to jail between 1875 and 1900 ... for trivial public order offenses" (Harring 1981). In other cities police made use of ambiguous vagrancy laws, called the "Tramp Acts," to arrest both union organized and unemployed workers (Harring 1977).

Anti-labor activity also compelled major changes in the organization of police departments. Alarm boxes were set up throughout cities, and respectable citizens, meaning businessmen, were given keys so that they could call out the police force at a moment's notice. The patrol wagon system was instituted so that large numbers of people could be arrested and transported all at once. Horseback patrols, particularly effective against strikers and demonstrators, and new, improved, longer nightsticks became standard issue.

Three compelling issues faced early American police departments: (1) should police be uniformed; (2) should they carry firearms; and (3) how much force could they use to carry out their duties. The local merchants and businessmen who had pushed the development of municipal policing wanted the police uniformed so that they could be easily identified by persons seeking their assistance and so they would create an obvious police presence on the streets. Some police officers themselves opposed uniforms. They felt that uniforms would subject them to public ridicule and make them too easily identifiable to the majority of citizens who bore the brunt of police power, perhaps making them targets for mob violence. Early police officers began carrying firearms even when this was not department policy despite widespread public fear that

this gave the police and the state too much power. Police departments formally armed their officers only after officers had informally armed themselves. The use of force to effect an arrest was as controversial in the 1830s and 1840s as it is today. Because the police were primarily engaged in enforcing public order laws against gambling and drunkenness, surveilling immigrants and freed slaves, and harassing labor organizers, public opinion favored restrictions on the use of force. But the value of armed, paramilitary presence, authorized to use, indeed deadly force, served the interests of local economic elites who had wanted organized police departments in the first place. The presence of a paramilitary force, occupying the streets, was regarded as essential because such "organizations intervened between the propertied elites and propertyless masses who were regarded as politically dangerous as a class" (Bordua and Reiss 1967).

State police agencies emerged for many of the same reasons. The Pennsylvania State Police were modeled after the Phillipine Constabulary, the occupation force placed in the Philipine Islands following the Spanish-American War. This all-white, all-"native," paramilitary force was created specifically to break strikes in the coal fields of Pennsylvania and to control local towns composed predominantly of Catholic, Irish, German and Eastern European immigrants. They were housed in barracks outside the towns so that they would not mingle with or develop friendships with local residents. In addition to strike-breaking they frequently engaged in anti-immigrant and anti-Catholic violence, such as attacking community social events on horseback, under the pretense of enforcing public order laws. Similarly, the Texas Rangers were originally created as a quasi-official group of vigilantes and guerillas used to suppress Mexican communities and to drive the Commanche off their lands.

By the end of 19th century municipal police departments were firmly entrenched in the day-to-day political affairs of big-city political machines. Police provided services and assistance to political allies of the machine and harassed, arrested and interfered with the political activities of machine opponents. This was a curious dichotomy for an ostensibly crime control organization. Political machines at the turn of the century, were in fact, the primary modality through which crime was organized in urban areas. Politicians ran or supervised gambling, prostitution, drug distribution and racketeering. In fact, organized crime and the dominant political parties of American cities were one in the same. Politicians also employed and protected the many white-youth gangs that roamed the cities, using them to intimidate opponents, to get out the vote (by force if necessary), and to extort "political contributions" from local businesses. At the dawn of the 20th century, police were, at least de facto, acting as the enforcement arm of organized crime in virtually every big city.

Police also engaged in and helped organize widespread election fraud in their role as political functionaries for the machine. In return, police had virtual carte blanche in the use of force and had as their primary business not crime control, but the solicitation and acceptance of bribes. It is incorrect to say the late 19th and early 20th century

police were corrupt, they were in fact, primary instruments for the creation of corruption in the first place.

Police departments during the machine-era provided a variety of community services other than law enforcement. In New York and Boston they sheltered the homeless, kept tabs on infectious epidemics, such as cholera, and even emptied public privies. While this service function of police continues to be important today, it is important to recall that in the context of political machine, government services were traded for votes and political loyalty. And while there is no doubt that these police services were of public value, they must be viewed as primarily political acts designed to curry public favor and ensure the continued dominance of their political patrons.

The advent of Prohibition (1919-1933) only made the situation worse. The outlawing of alcohol combined with the fact that the overwhelming majority of urban residents drank and wished to continue to drink not only created new opportunities for police corruption but substantially changed the focus of that corruption. During prohibition lawlessness became more open, more organized, and more blatant. Major cities like New York, Chicago and Philadelphia has upwards of 20,000 speakeasies operating in them. Overlooking that level of publicly displayed crime required that corruption become total. But most important to policing, Prohibition marked a change in how corruption was organized. Criminal syndicates, set up to deliver alcohol to all those illegal outlets, acquired enormous sums of money, political power in their own right, no longer dependent on the machine's largesse, and respectability. Organized crime was able to emerge from the shadows and deal directly with corrupt police. In many cities police became little more than watchmen for organized crime enterprises, or, on a more sinister vein, enforcement squads to harass the competition of the syndicate paying the corruption bill. By the end of prohibition, the corrupting of American policing was almost total.

The outrages perpetrated by municipal police departments in the ensuing years inevitably brought cries for reform. Initially, reform efforts took the form of investigative commissions looking into both police and political corruption. As is the case today, these commissions usually were formed in response to a specific act of outrageous conduct by the police. And, like today, those commissions upon investigating the specific incident in their charge, uncovered widespread corruption, misfeasance and malfeasance. Examples of such specific outrages spawning investigatory bodies include: (1) the formation of a prostitution syndicate by Los Angeles Mayor Arthur Harper, Police Chief Edward Kerns, and a local organized crime figure, combined with subsequent instructions to the police to harass this syndicate's competitors in the prostitution industry; (2) the assassination of organized crime figure Arnold Rothstein by police lieutenant Charles Becker, head of the NYPD's vice squad; and, (3) a dispute between the Mayor and District Attorney of Philadelphia, each of whom controlled rival gambling syndicates and each of whom used loyal factions of police to harass the other (Fogelson 1977: ; Potter and Jenkins, 1985).

One of the earliest of these investigative commissions was the Lenox Committee, formed in 1894 to investigate police corruption related to gambling and prostitution and to investigate charges of police extortion. The Lenox Committee also determined that promotion within the New York Police Department required a bribe of \$1,600 to be promoted to sergeant and up to \$15,000 to be promoted to Captain. Subsequent investigatory commissions in New York City include the Curren Committee (1913), which investigated police collusion with gambling and prostitution; the Seabury Committee (1932), which investigated Prohibition-related corruption; the 1949 Brooklyn grand jury which investigated gambling payoffs; the 1972 Knapp Commission which looked into corruption related to gambling and drugs; and the 1993 Mollen Commission which exposed massive drug corruption, organized theft by police officers, excessive use of force, and use of drugs by the police (Kappeler, Sluder and Alpert 1998).

In Philadelphia a series of investigative grand juries exposed massive police collaboration with gambling and prostitution enterprises. Commissions also investigated police corruption in Louisville, San Francisco, Milwaukee, New Orleans, Indianapolis, Atlanta and Los Angeles. Recently, the Christopher Commission investigated police misconduct in Los Angeles related to the widespread use of excessive force by LAPD and racism within the ranks of that department.

On a national basis, President Hoover appointed the Wickersham Commission in 1929 to examine what was perceived as a rising crime rate and police ineffectiveness in dealing with crime. It is no accident that in looking at those issues, the Wickersham Commission also became the first official governmental body to investigate organized crime.

Commissions, while shedding light on the extent of corruption and serving to inform the public have little lasting impact on police practices. As external organizations they report, recommend and dissolve. The police department continues on as a bureaucratic entity resistant to both outside influence and reform.

Other attempts to reform policing have come from within the ranks of the departments themselves. Reform police commissioners and chiefs, often appointed in the wake of one or another scandals, made efforts to change the nature of the police bureaucracy itself. Among the reforms instituted within police organizations were the establishment of selection standards, training for new recruits, placing police under civil service, and awarding promotion as a result of testing procedures. The hope of these reforms was to lessen the hold of politicians, and particularly ward leaders on police officers. If the recruitment, selection and promotions processes were housed within the department and governed by objective criteria, the hope was that officers would no longer owe their jobs and their ranks to political operatives.

Similarly, reform-minded police executives began to try to restructure the department itself, making it more bureaucratic, with an internal clear chain-of-command. Once

again, the hope was to structurally isolate police officers from politicians. In this vein, many police departments added a middle-level of management to their organizational charts; changed the geographic lines of police precincts so they would no longer be contiguous with political wards; and created special squads to perform specific duties within the departments. One of the ironies of this reform effort was that the creation of centralized special squads such as traffic, criminal investigation, vice and narcotics, over time had the effect of reducing organized crime's corruption costs. Rather than spreading through an entire department, narcotics and prostitution operators could now corrupt a smaller, more discreet unit and still maintain a high level of immunity from police interference with their illegal businesses.

By the 1950s, police professionalism was being widely touted as better way to improve police effectiveness and reform policing as an institution. O.W. Wilson set the standard for the professionalism movement when he published his book *Police Administration*, which quickly became a blueprint for professionalizing policing. Wilson argued for greater centralization of the police function, with an emphasis on military-style organization and discipline. Central themes for police administration were to become crime control and efficiency in achieving crime control. Closer supervision of police officers was recommended; foot patrols were replaced by motorized patrols, precinct houses were consolidated and more central police facilities constructed; and command functions were centralized in a headquarters staff (Uchida 1993).

Police professionalism, however, did not turn out to be the panacea Wilson had envisaged. Professionalism antagonized tensions between the police and the communities they served and created rancor and dissension within the departments themselves. The crime control tactics recommended by the professionalism movement, such as aggressive stop and frisk procedures, created widespread community resentment, particularly among young, minority males who were most frequently targeted. Police professionalism and the military model of policing became synonymous with police repression. Furthermore, as Walker points out "a half century of professionalization had created police departments that were vast bureaucracies, inward looking, isolated from the public, and defensive in the face of any criticism" (Walker 1996). In addition professionalization had done nothing to rectify racist and sexist hiring practices that had been in effect since police departments had been created in the 1830s.

Within police departments professionalization meant an emphasis on bureaucratic efficiency. Police administrators centralized authority, tightened the chain-of-command, tried to run their departments through the application of arcane, contradictory and often inapplicable rules. A highly authoritarian police bureaucracy not only isolated itself from the public, but from the very police officers whose conduct it was trying to control. By the mid-1960s police officers had responded with an aggressive and widespread police unionization campaign. Aided by court rulings more favorable to the organizing of public employees; fueled by resentment of the authoritarian organization of departments; and united in a common resistance to



increasing charges of police brutality, corruption and other forms of misconduct, nearly every large-city police department had been unionized by the early 1970s. Police officers struck in New York City in 1971; in Baltimore in 1974 and in San Francisco in 1975. "Job actions" such as "blue flue" and work slowdowns (i.e. not writing tickets, making few arrests) were common in other cities.

Initially, the response to this union activity was to reduce centralization in the police bureaucracy and to include officers in discussions of rules, procedures and departmental practices. What had been the exclusive fiefdom of the police executive was now subject to negotiation with a union. But reduced municipal tax bases, caused primarily by the exodus of white, affluent executives and professionals to the suburbs in the 1970s; a prolonged economic recession in the 1970s and early 1980s; and fiscal mismanagement in many cities, led to layoffs of police and other municipal workers, and rollbacks in benefits. In fact, unions became an attractive scapegoat for municipal problems. Politicians, administrators and the media all blamed demands by public workers for the financial straits in which the cities had been floundering. Despite the fact that the fiscal crisis had been caused by much larger social and economic trends, blaming police and other workers allowed police administrators and politicians to once again reorganize the police. This reorganization has been dubbed the "Taylorization of the police" by historian Sydney Harring (1981).

Under the "Taylorization" reforms, police departments reduced the size of their forces; went from two-person to one-person patrol cars; and increased the division of labor within police departments. Police work was broken down into ever more specific, highly specialized tasks; patrol became more reactive; technology was used to restore the control of police administrators (i.e., 911 emergency lines; computerization); and some traditional police tasks were turned over to civilian employees. All of this served to further isolate the police from the citizenry; to further reduce the effectiveness of police practices; and to continually justify ever more "Taylorization" as a response to increasing inefficiency.

Concurrent with reform efforts aimed at professionalization, was an increased reliance on technology and scientific aspects of police investigation. The idea of police as scientific crime fighters had originated with August Vollmer as early as 1916, with the introduction of the crime laboratory. By 1921 Vollmer was advocating the widespread use of lie detectors and the establishment of a database for collecting national crime data (Crank and Langworthy 1992). Over the years science became synonymous with professionalism for many police executives. The use of fingerprints, serology, toxicology chemistry and scientific means for collecting evidence were emphasized as part of a professional police force. In terms of technological advancements, new ways of maintaining police record systems and enhancing police communications, such as the police radio, became priorities. The emphasis was on efficiency and crime-fighting, with the social work aspects of policing deemphasized and discouraged. The hope was also that the professional, scientific crime-fighters would be less susceptible to corruption. It is therefore a further irony of policing that in Philadelphia new

communications technologies were put to use in establishing what is arguably the first "call girl" system in the United States, calling out for prostitutes using police communications systems.

By the 1960s, massive social and political changes were occurring in the United States. The civil rights movement was challenging white hegemony in the South and racist social policies in the North. The use of professional police forces to suppress the Civil Rights movement, often by brute force did irreparable damage to American policing. From 1964 to 1968 riots, usually sparked by police brutality or oppression, rocked the major cities in the United States. Police handling of large demonstrations against the Vietnam War in the late 1960s and early 1970s was also controversial. In the 1967-1968 school years there were 292 mass demonstrations on 163 college campuses across the country. All of this political instability was further antagonized by a series of political assassinations: President John Kennedy in 1963; Martin Luther King and Senator Robert Kennedy in 1968; Governor George Wallace in 1972. Other political leaders, particularly in the African-American community, such as Malcolm X and Medger Evers were also assassinated. National commissions created to investigate riots and political instability frequently and universally pointed to the police as a source of social tension.

The police and criminal justice system response was twofold. First in 1968, as part of the Omnibus Crime Control and Safe Streets Act, large sums of federal money were made available for rather cosmetic police-community relations programs, which were mostly media focused attempts to improve the police image. By the 1980s many police departments had begun to consider a new strategy, community policing. Community policing emphasized close working relations with the community, police responsiveness to the community, and common efforts to alleviate a wide variety of community problems, many of which were social in nature. Community policing is the latest iteration in efforts to (1) improve relations between the police and the community; (2) decentralize the police; and, (3) in response to the overwhelming body of scholarly literature which finds that the police have virtually no impact on crime, no matter their emphasis or role, provide a means to make citizens feel more comfortable about what has been a seemingly insoluble American dilemma.

From the beginning American policing has been intimately tied not to the problem of crime, but to exigencies and demands of the American political-economy. From the anti-immigrant bashing of early police forces, to the strike breaking of the later 1800s, to the massive corruption of the early 20th century, through professionalism, Taylorization and now attempts at amelioration through community policing, the role of the police in the United States has been defined by economics and politics, not crime or crime control. As we look to the 21st century, it now appears likely that a new emphasis on science and technology, particularly related to citizen surveillance; a new wave of militarization reflected in the spread of SWAT teams and other paramilitary squads; and a new emphasis on community pacification through community policing, are all destined to replay the failures of history as the policies of the future.

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