Origins and Development of Law Enforcement
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Chapter Objectives

● Explain the origins and meaning of social control.

● Trace the development of informal policing in England and the United States.

● Analyze the impact of the London Metropolitan Police.

● Explain regional differences in the development of law enforcement, such as slave patrols and Jim Crow laws.

● Identify Kelling and Moore’s eras of policing and describe key events in the Political Era.

● Discuss key elements of the Reform Era, including its origin, types of reforms, and the individuals responsible for implementing the reforms.

● Describe the early role of women and minorities in policing.
“Happily for English liberty there has never existed in this country any police force at the disposal of the central government, powerful enough to coerce the nation at large. Our national police have always been of the people and for the people” [London, 1901] (Lee 1901, quoted in Reiner 1994, p. 61).

“After the classical precipitating incident of a fatal fight between a black civilian and a white policeman, rampaging crowds moved up and down Eighth and Ninth avenues beating Negros. Policemen swarmed over the area, cracking the heads of Negros and doing nothing to restrain the Irish mob. That the Negros were bitter is hardly surprising seeing that the police not only did not protect them, did not arrest any of the whites involved, but also indulged in gratuitous clubbing” [New York City, 1901] (quoted in Silver 1984).

These two quotes, both made the same year in London and New York, highlight the importance of political and cultural contexts in the development of law enforcement. Although New York City set out to replicate the English model of policing, the realities of implementation were far different. Political challenges, including the United State’s recent history of slavery, played a significant role in the development and character of its early policing systems.

This chapter examines how formal systems of policing have developed throughout the centuries. Although any society governed by law must at some point address the question of how best to enforce those laws, the idea that law enforcement should be the responsibility of a permanent, professional police force is a modern one.

Up until the last two hundred years, most societies relied on individual citizens and communities to ensure that laws were upheld and criminals apprehended. With the arrival of the Industrial Revolution and rising levels of poverty, crime, and public disorder, however, governments in Europe and elsewhere were forced to develop new and more effective ways of enforcing the law and maintaining order. First in Britain and then the United States, law enforcement eventually passed out of the hands of the ordinary citizen and became the direct responsibility of professional law enforcers: the police.

This chapter traces the historical development of law enforcement and the emergence of the modern, professional police force and examines how the idea of “policing” has changed from ancient times to the present. Despite the fact that the modern police officer faces
challenges that are very different from those that confronted local sheriffs in feudal England or the Bow Street Runners in eighteenth-century London, much contemporary thinking about law enforcement is rooted in traditions that have changed little over time. Understanding how different societies have, throughout history, sought to combat crime and enforce the law is an important step toward understanding many of the key issues that now face police forces in the twenty-first century.
Early Origins of Social Control

Any society, if it wishes to survive, needs to develop some system of ensuring that the norms and values of that society are upheld and that members of the community can live free from harm. Prior to the emergence of formal governments and states, early societies were regulated by systems of informal rules and traditions that dictated how members of the society should behave and how conflicts should be resolved. In prehistoric societies, these rules were extremely basic and aimed to ensure that everyone worked together for the survival of the group. Acts such as stealing and murder were prohibited because they created division and distrust and led to conflicts that could threaten the welfare of the community as a whole. Within these early societies, justice was typically an individual matter. The victim of a wrong was responsible for punishing the alleged wrongdoer. Punishment, usually based on the simple notion of an “eye for an eye” (*lex talionis*), was meted out by the victim or the victim’s family, with the result that justice was frequently swift, bloody, and final.

As societies became more complex and systems of law emerged, however, these informal methods of social control gave way to more organized systems of law enforcement. In addition to setting out the law to be followed by all citizens, some of the original systems of law also prescribed specific penalties for particular types of wrong. One of the earliest known systems, the *Code of Hammurabi* (2200 BC), originated in the kingdom of Babylon in Mesopotamia (the geographic area that is now Iraq). Although in this system individuals remained responsible for ensuring that the law was followed, under the Code of Hammurabi they were not permitted to impose their own punishments. The Code made the enforcement of law more consistent and established a clear relationship between the type of crime committed and the punishment that could be expected.

Centuries later, the city fathers of Rome established an early system of military policing by assigning responsibility for protecting the Emperor’s palace and patrolling the city to the Praetorian Guard and the Urban Cohort. It is the Emperor Augustus, however, who is most frequently credited with establishing the first civilian police force—known as the *vigiles*—shortly before the birth of Christ. Drawn from the general citizenry of Rome, the *vigiles* were originally intended to serve as firefighters, but soon took on the role of law enforcers as well. Unlike the Praetorian Guard or the Urban Cohort, the *vigiles* were given general powers to keep the peace and investigate crime. They patrolled the streets of Rome dressed in ordinary clothes,
keeping a watch over the general public. Renowned for their ruthlessness and for handing down severe punishments, the *vigiles* soon became despised by the people and were regarded by many as no better than state-sponsored spies and informants. Although the system of *vigiles* eventually came to an end with the fall of Rome, the word *vigilante*—a person who takes the law into his or her own hands—finds its origin in this early form of community policing. These informal styles of law enforcement soon found their way into England, which was under Roman rule during the time of Augustus, and similar systems were established in place of more traditional, tribal forms of social control.

It should be noted that throughout the ancient world there was considerable resistance to the idea of organized enforcement of laws. In Egypt, where soldiers and temple officials were responsible for enforcing the law, these early enforcement officers of the aristocracy were seen by many as simple servants of the Pharaoh and other members of the ruling elite, concerned only with protecting the property of the wealthy. In Greece, the philosopher Aristotle (384–322 BC) maintained that the existence of a permanent police force was contrary to the very idea of democracy, arguing that the people should be directly responsible for enforcing their own laws. Interestingly, this same argument was raised again some two thousand years later in England by those concerned about the plans for the establishment of the first modern police force. While many centuries may have passed since the time of the ancient Greeks and Romans, the people of London nevertheless found themselves confronted with the questions about who should be responsible for enforcing the law: the police or the people themselves.

**Development of Formal Policing in England**

Following the fall of Rome and end of the Roman occupation of Britain, traditional forms of law enforcement based on individual and tribal justice reemerged throughout England. As in ancient times, each community adhered to its own rules and punishments, leaving law enforcement in the hands of the individual. As the Dark Ages progressed, powerful landholders and rulers began to assert themselves and establish a hold over large areas of the country. Victims and their families, however, remained responsible for pursuing and punishing perpetrators within their communities. As a consequence, the administration of justice and punishment was inconsistent and there was no organized system of policing.

Punishments during this time were typically severe, frequently resulting in the death of the offender. In cases where the truth of the accusation was disputed, the accused was given the opportunity to prove his or her innocence by undergoing some form of predetermined ordeal or trial. Ironically, the process of proving one’s innocence could often be as painful as the punishment that accompanied a finding of guilt.

**From Tithings to Posse Comitatus**

Toward the end of the Dark Ages, the gradual merging of Roman, Germanic, and Anglo-Saxon traditions and the emergence of the monarchy gave rise to the general acceptance of two ideas that were to provide the basis for a more unified
and consistent approach to law enforcement. The first of these was the concept of the “king’s peace,” which held that any crime against an individual was also a crime against the king. This meant that the crown could claim to have a legitimate interest in the enforcement of the law, even if no offence had been directly committed against the king or his agents.

The second idea was the notion that all of the king’s subjects were also his property. Accordingly, anyone who caused harm to any citizen was potentially liable to pay compensation to the crown. These two ideas provided the basis for the legal principle that a criminal act represented a crime against the state as well as the individual and that the state had a direct interest in ensuring that the laws were upheld and enforced. This principle remains at the heart of criminal law in both England and the United States and provides the basic justification for the existence of the police in both countries. Although the law continued to be enforced according to local tradition, the end of the Dark Ages opened the way for a more centralized approach to the problem of law enforcement.

By the middle of the ninth century, the majority of the English population lived in established towns and cities, each with its own system of rules and organization. During the reign of Alfred the Great (849–899 AD), however, a new system of social organization was imposed. In an effort to make the collection of taxes and the maintenance of the king’s peace easier, Alfred divided England into regions known as shires. Each shire, which was similar to the American county, consisted of geographic units known as “hundreds”—so named because each contained 100 families. Each of the hundreds was composed of ten tithings, and a tithing consisted of ten families. Under this new arrangement, every citizen was tied to a particular tith and was jointly responsible with all other members of his or her group for the payment of taxes and the maintenance of order (Stead 1985). As a result, a crime committed by one person was held to be a crime committed by his or her entire community, with the punishment to be borne by the group as a whole. In essence, Alfred’s aim was to make communities self-regulating when it came to the payment of taxes and the enforcement of law. Shire reeves, precursors to modern-day sheriffs, were the leaders of the shires and were appointed by the king. They were given the task of ensuring that law and order was maintained throughout their region. Drawing on the assistance of locally elected constables, shire reeves frequently organized villagers and other members of the community into posses that would track down and apprehend offenders.

Although by modern standards the system of policing established by Alfred the Great might appear to be crude, the introduction of shire reeves and local constables revolutionized the way in which laws were enforced throughout medieval England. In the space of a few decades, the administration of justice was taken out of the hands of individuals and made the responsibility of particular communities and their appointed leaders. Law enforcement ceased to be a private matter and became associated with the king and his agents.

Some three centuries later, this system was formalized by the Statute of Winchester (1285), which increased the power of the constables and made them responsible for organizing local watchers. In addition, under the Statute all men between the ages of fifteen and sixty were required to bear arms in defense of
the crown and the king’s peace and to assist their local constable in the pursuit of offenders. Failure to heed the constable’s call for help—known as the **hue and cry**—was a punishable offense under the new law, and anyone who did not help to apprehend criminals risked being tried with them as associates.

It was also around this time that the first justices of the peace began to emerge, who acted as judges and presided over local trials. Typically country gentlemen and members of the aristocracy, these justices were central to the administration of justice throughout the shires, and, like the constables, were also entrusted with the task of keeping the king’s peace.

This system of justices and constables was to change little over the next four hundred years in England. Although the criminal law expanded considerably during this time, law enforcement remained the responsibility of local officials answerable to the king. By the eighteenth century, however, the system had begun to fail. In many regions, justices and constables had become corrupt and unaccountable, frequently using their considerable powers to enhance their own positions and wealth. More importantly, the steady processes of industrialization and urbanization had also made local peace keeping more and more difficult. As the population grew, informal methods of policing based on collective responsibility and local ties became unwieldy and ineffective. Lawlessness and disorder became more widespread, with many members of the upper class employing guards to protect them and their property from attack. Faced with the possibility of anarchy, it became clear that something had to be done.

After various efforts failed to rejuvenate the existing system of constables, the government eventually granted the London magistrate, Henry Fielding, permission to found a group of organized law enforcement agents. Known as the **Bow Street Runners**, these men were given the task of apprehending criminals and recovering stolen goods within London. They were paid, in part, out of city funds. Because they also had the duty to solve crimes, the Runners were essentially the first paid detectives (Howe 1965). They failed to stem the rising tide of crime in the city, however, and they were eventually disbanded some years later. The Runners did enjoy a limited degree of success. Many individuals were impressed by their organization and effectiveness, and they had the reputation of being incorruptible and determined (Howe 1965). Soon the idea of maintaining a permanent, salaried police force began to gain wider acceptance.

Another driving force behind the push for the foundation of a professional police force was the public outrage following the **Peterloo massacre of 1819** in which a political protest turned riotous after the military was brought in to break it up. This incident left eleven dead and hundreds injured, as well as a lingering fear in the minds of many of the dangers of relying on the military to handle public order. In the United States, the **Posse Comitatus Act** (18 U.S. Code, Section 1385) was signed in 1878 to separate military functions from local law enforcement. The original intent of this act was to prohibit the use of federal troops in the policing of state elections; however, in effect, it also prohibits the military from serving as a domestic police force. The act bans the Army, Navy, Air Force, and Marines from participating in arrests, evidence search and seizure, or any other conventional policing activity on U.S. soil.
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The Formal System of Policing

The term *police* entered into the English language in the mid-fifteenth century from the middle-French word *porice*, meaning “public order assured by the state” (*Oxford English Dictionary* 1996). The modern usage of *police* as “the civil force responsible for maintaining public order and enforcing the law” came into recorded usage in the English language in 1798, when the Marine Police were established to protect merchant shipping on the River Thames in London. The law enforcement entity established in London in 1828 was sometimes called the New Police (*Oxford English Dictionary* 1996).

### Posse Comitatus Today

Posse Comitatus was passed in the post–Civil War era in response to a general fear that the new federal government would interfere in state government and could use the military against its own citizens. Nevertheless, a number of exceptions to Posse Comitatus have been provided since its enactment:

- National Guard forces operating under state authority are exempt from the Act’s restrictions.
- The President of the United States can use federal troops to “quell” domestic violence situations.
- Aerial photography and visual searches are allowed if for the purpose of assisting civilian law enforcement.
- An exception to the Act, created by Congress, allows the military to offer training, equipment, and advice in the “war on drugs.”
- The Coast Guard is exempt from the provisions of the Act.
- The Navy can assist a Coast Guard vessel in pursuit.

In the aftermath of the September 11 attacks, further exceptions to Posse Comitatus were considered to reduce linkage blindness between military and civilian law enforcement agencies and to expedite investigations of suspected terrorists. In 2005, Secretary of Defense Donald Rumsfeld stated in a meeting that the administration had no plans to make changes to the law (Plummer 2005).

In a reversal of position, PL 109-364, signed by President Bush in October of 2006, has a provision for “Use of the Armed Forces in Major Public Emergencies” (Stein 2006). The law adds “natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident” to the list of conditions under which the president can command troops in the states. This allows the president to take over local authority “if domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order” (Stein 2006). Although the legislation speaks of extreme situations, it does allow the executive branch to command U.S. military personnel in a law enforcement capacity. The Posse Comitatus Act is found Appendix B.

### QUESTIONS

1. How would elimination of Posse Comitatus change the balance between crime control and due process?
2. What, if any, conditions do you think could warrant such a change?
3. How would local law enforcement be helped or hindered by this change?
4. Where do you think Americans should draw the line between crime control and due process in the war on terrorism?
By the early 1800s, London had over 450 paid police officers working throughout the city. Despite this, there was still no centrally organized system of law enforcement. In 1828, however, the Home Secretary Sir Robert Peel set about establishing what was later to be called the London Metropolitan Police. Having served in Ireland for many years and successfully organized the Royal Irish Constabulary, Peel was keen to reform the way in which the law was enforced in England and create a new police force for the city of London. Parliament was initially resistant to Peel’s ideas, largely because they feared the introduction of a military-style force along French lines. They eventually passed the London Metropolitan Police Act in 1829, providing funds for the establishment of a 1,000-officer force governed by strict standards of conduct and discipline. Early developments in policing through the creation of the Metropolitan Police are outlined in Table 2.1.

Initially under the command of two magistrates (who later became known as commissioners), this new Metropolitan Police force differed markedly from previous efforts at law enforcement in England. Most important, the officers were organized along military lines and subject to clear chains of command and rules of conduct. To encourage accountability and professionalism, officers were required to wear uniforms, making them easily identifiable in public, and to carry badges with their identification number inscribed upon it. In addition, officers were direct employees of the state, as opposed to being private citizens charged by law to assist in the apprehension of offenders. In these respects, Peel’s Metropolitan Police were the first modern police force. Indeed, many forces around the world continue to be organized around the same basic rules and principles contained in Peel’s Principles of Policing (reproduced in Table 2.2).

Initially, British citizens did not embrace the concept of a formal governmental police force. They feared that the police would be a pawn of the government and act as an occupying army in their towns. However, the sentiment towards the police changed in 1833 with the riots in Cold Bath Fields. One riot resulted in the violent death of Police Constable Culley, and at trial a jury returned a verdict of justifiable homicide for his killer.¹ After a newspaper account

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**TABLE 2.1**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>2200 BC</td>
<td>Code of Hammurabi standardizes laws and punishments in Babylon.</td>
</tr>
<tr>
<td>1340 BC</td>
<td>Nile River Police established in Egypt.</td>
</tr>
<tr>
<td>510 BC</td>
<td>Romans establish the Praetorian Guard and Urban Cohort.</td>
</tr>
<tr>
<td>27 BC</td>
<td>Roman system of vigiles instituted by Augustus.</td>
</tr>
<tr>
<td>400–800</td>
<td>Law enforcement in England based on traditional notions of individual justice and punishment.</td>
</tr>
<tr>
<td>899</td>
<td>System of shires, hundreds, and tithes established by Alfred the Great.</td>
</tr>
<tr>
<td>1285</td>
<td>Statute of Winchester establishes the watch-and-ward system in England.</td>
</tr>
<tr>
<td>1326</td>
<td>Justices of the Peace first appointed by the king in England.</td>
</tr>
<tr>
<td>1748</td>
<td>Formation of the Bow Street Runners in London.</td>
</tr>
<tr>
<td>1829</td>
<td>Creation of the London Metropolitan Police.</td>
</tr>
</tbody>
</table>
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published the story of the officer’s widow, citizens began to show public support for the police and their efforts to stem crime in the city.

After witnessing the effectiveness of the London Metropolitan Police, several other professional forces were established throughout England along similar lines by 1856. As the recruitment and training methods developed by Peel spread, interest in crime prevention grew and the idea of local “policemen”—called bobbies after their founder—as the central law enforcement figures in the community gained wide acceptance.²

### Table 2.2

**Sir Robert Peel’s Principles of Policing (1829)**

1. The police must be stable, efficient, and organized along military lines.
2. The police must be under government control.
3. The absence of crime will best prove the efficiency of the police.
4. The distribution of crime news is essential.
5. The deployment of police strength both by time and area is essential.
6. No quality is more indispensable to a policeman than a perfect command of temper; a quiet determined manner has more effect than violent action.
7. Good appearance commands respect.
8. The securing and training of proper persons is at the root of efficiency.
9. Public security demands that every police officer be given a number.
10. Police headquarters should be centrally located and easily accessible to the people.
11. Policemen should be hired on a probationary basis.
12. Police records are necessary to the correct distribution of police strength.

During the early years of colonization, law enforcement in America developed along English lines. Towns and villages appointed constables and sheriffs with powers very similar to their English counterparts. Additionally, they organized...
watch systems that were an adaptation of those that had existed for centuries in England. As time went on, and as English policing became increasingly centralized, its development began to deviate from the pattern that was being established in the United States. There, following law enforcement traditions brought with them from Europe, citizens were made responsible for helping to maintain the peace, and although in larger towns, such as Boston and Philadelphia, laws were passed requiring the public to help officials in the apprehension of criminals, victims of crime could not always rely on the authorities or the community to bring criminals to justice.

Early Watch Systems

As in England, the first system of policing in the United States was an informal one where individuals within a community protected each other. This informal system consisted of numerous positions, including a justice of the peace, a sheriff, constables, and a night watch. The role of the sheriff was strictly confined to law enforcement and the apprehension of criminals, serving warrants and subpoenas and maintaining the local jails. Although initially the sheriff was an appointed position, over time it evolved into an elected position. The sheriff’s responsibilities eventually expanded beyond law enforcement to include collecting taxes and monitoring the system of cattle branding. Although the main duty of the sheriff continued to be law enforcement oriented, this was a reactive role without any general crime-prevention functions.

As the population in cities began to grow, it became increasingly difficult for sheriffs and local marshals (similar to the English constables) to maintain order. Consequently, cities such as New York, Boston, and Philadelphia began to experiment with watch systems. These watches, which consisted of volunteer citizens, were based on the concept of community responsibility. Members of the community were required by local law enforcement officers to undertake patrols of their neighborhood under the guidance of local marshals or constables. The purpose of these patrols was to watch for signs of criminal activity, though the powers of the watchmen were limited only to arrest and holding individuals suspected of wrongdoing.

Although watchmen occasionally averted criminal acts, the watch system was fraught with problems. Night watchmen were unpopular, largely as a result of their lack of enthusiasm, lack of competency, and frequent state of drunkenness. Their weaknesses were most apparent in situations of large-scale disorder, such as riots. By the mid-1840s, most large cities came to regard the night watch system as inefficient and more harmful than beneficial. As a result, this informal system of night watchmen drawn from the community evolved into a system whereby the patrols were undertaken by full-time, paid watchmen. The changeover between volunteer and paid watchmen was gradual, and for many years in some cities (e.g., Philadelphia during the 1830s) the two systems coexisted in a hybrid structure of paid day watchmen and volunteer night watchmen.

Cities were not the only areas experiencing difficulties with law enforcement during the colonial era. Outside of the major towns and cities, lawlessness was often widespread. Vast distances and the absence of communal ties in the frontier made it difficult for individual sheriffs to impose their authority on citizens. As a result, vigilantism was common. In many jurisdictions vigilante committees composed of area residents wishing to actively fight crime would take on all law enforcement duties, from pursuing offenders to trying them and
punishing them. Individual landholders often employed these vigilantes to protect them, and in many cases the threat of violence was the only effective deterrent to potential offenders.

**Slave Patrols and the Jim Crow Laws**

While cities in the North developed a night watch system, law enforcement in the South tended to focus on the control and discipline of slaves. **Slave patrols** were first established in the South during the mid-1740s, with officers being given broad powers to punish slaves who committed offenses or who refused to submit to their masters. The slave patrols at this time were coordinated by property owners who, individually, had difficulty controlling the slave population and ensuring that they did not defy their masters. As with the night watch system, slave patrols were based on a form of citizen obligation whereby members of a community would watch over other citizens’ slaves to ensure their obedience. Although informal initially, slave patrols evolved into an organized system with a chain of command and organizational structure (Wood 1984). In fact, they were generally considered the precursor to modern police forces in the United States despite their extremely narrow and clearly racist focus (Williams and Murphy 1990). By 1837, South Carolina, which had instituted particularly infamous slave codes, had one of the largest police forces in the country, with over 100 officers on slave patrol (Conser and Russell 2000).
Slaves in most states were deemed incapable of exercising the rights of ordinary citizens. Often mounted on horseback and carrying whips, the slave patrols enforced laws that prohibited literacy and commerce amongst slaves. The slave patrols also made sure that slaves were not in possession of weapons or ammunition, and they had the power to search “Negro houses” to ensure that such laws were not being violated. Even though the slaves were not considered full citizens, they were capable of being held criminally responsible for their “crimes,” particularly actions such as being away from their masters without carrying passes.

When the slave codes were abolished after the Civil War, a number of states, mainly in the South, adopted “Black Codes” that set out the responsibilities of newly freed slaves through a complex system of laws and judicial conventions. The Civil Rights Act in 1866 helped to improve the position of blacks, and subsequently Congress enacted the Civil Rights Act of 1871 as a method of remedy for persons whose civil rights were violated. This Act followed the ratification of the Thirteenth and Fourteenth Amendments, which abolished slavery and ensured due process rights to all U.S. citizens. This was sometimes called the Ku Klux Klan Act, because the violent and obstructive conduct of the Ku Klux Klan prompted Congress to enact this legislation (Kappeler 1997). (The Civil Rights Act of 1871 is discussed in greater detail in Chapter 4).

Although such legislation was meant to give more rights to blacks, many states in the 1880s enacted Jim Crow Laws. These codes, examples of which are shown in Table 2.3, enforced segregation between whites and blacks in schools, parks, restrooms, public transportation, sports teams, and most other public facilities. Interracial marriage was prohibited, and employers were required to have separate facilities for their white and black workers. Some states

<table>
<thead>
<tr>
<th>Issue</th>
<th>Law</th>
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</thead>
<tbody>
<tr>
<td>Interracial marriage</td>
<td>Marriage between a Caucasian person and a Negro, or an individual with any Negro blood, is prohibited.</td>
</tr>
<tr>
<td>Buses</td>
<td>All bus stations must have separate waiting rooms and ticket windows for Caucasians and Negros. All buses must have separate sections in which the Caucasians and Negros can sit.</td>
</tr>
<tr>
<td>Restrooms</td>
<td>Employers, schools and recreational facilities must provide separate toilet facilities for Caucasians and Negros.</td>
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<tr>
<td>Restaurants</td>
<td>It is prohibited to serve food to Caucasians and Negros in the same room, unless they are separated by a partition.</td>
</tr>
<tr>
<td>Education</td>
<td>Caucasian and Negro children will be educated in separate buildings.</td>
</tr>
<tr>
<td>Housing</td>
<td>It is a crime for Caucasians to rent rooms in a dwelling to Negros, and vice versa. Caucasians and Negros must not dwell within the same building.</td>
</tr>
<tr>
<td>Juvenile detention</td>
<td>Caucasian and Negro children in juvenile detention facilities shall be kept completely separated.</td>
</tr>
<tr>
<td>Prisons</td>
<td>Caucasian and Negro convicts will eat and sleep separately.</td>
</tr>
<tr>
<td>Sports</td>
<td>Particularly baseball, Caucasian and Negro players must have separate teams, fields, and equipment.</td>
</tr>
<tr>
<td>Leisure activities (e.g., theaters)</td>
<td>All individuals operating leisure activity centers (e.g., cinemas, public halls, theatres, etc.) must have separate facilities for Caucasians and Negros.</td>
</tr>
</tbody>
</table>
even required separate facilities for whites and blacks in prisons and mental hospitals. The Supreme Court deemed segregation constitutional in 1896 by setting out a “separate but equal” doctrine in *Plessy v. Ferguson.*

Because the police were required to enforce the Jim Crow laws, the black community came to view them essentially as agents of an oppressive legal system that treated them as second-class citizens rather than equal to whites. Much of the tension between the police and minority communities that ensued throughout the early twentieth century resulted from their enforcement first of the slave codes and subsequently the Jim Crow laws. Even after such codes were abolished, many in the black community viewed the police as “slave patrols in disguise,” with police behavior towards minorities still derisive. The relationship between the police and minority communities has been wrought with friction and hostility since the abolishment of the last Jim Crow laws in the 1960s, and this tension—discussed at length in Chapter 10—is still present in many respects today.

### The Eras of American Policing

Kelling and Moore (1991) describe American policing as having progressed through three distinct eras—the Political Era, the Reform Era, and the Community Era—each characterized by its own organizational structure, tactics, and primary focus. The remainder of this chapter examines the Political Era; Chapter 3 focuses on the Reform and Community Eras. Table 2.4 summarizes the characteristics of each era.

<table>
<thead>
<tr>
<th>Era</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Political Era (1840–1930)</td>
<td>Authority is derived primarily from politicians.</td>
</tr>
<tr>
<td></td>
<td>Primary police function is to respond to citizens and politicians, satisfy their needs.</td>
</tr>
<tr>
<td></td>
<td>Organization is decentralized.</td>
</tr>
<tr>
<td></td>
<td>Intimate relationship with the community.</td>
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<tr>
<td></td>
<td>Much use of foot patrol.</td>
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<td></td>
<td>Significant amount of corruption.</td>
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<tr>
<td>The Reform Era (1930–1980)</td>
<td>Authority is primarily derived from the law.</td>
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<tr>
<td></td>
<td>Primary police function is crime control.</td>
</tr>
<tr>
<td></td>
<td>Organization is centralized and efficient.</td>
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<tr>
<td></td>
<td>Professional, but remote, relationship with the community.</td>
</tr>
<tr>
<td></td>
<td>Use of motorized patrol; rapid response to emergency calls.</td>
</tr>
<tr>
<td></td>
<td>Poor relationship with the community.</td>
</tr>
<tr>
<td>The Community Era (1980–present)</td>
<td>Authority is derived from both law and the community.</td>
</tr>
<tr>
<td></td>
<td>Primary police function is community service and crime control.</td>
</tr>
<tr>
<td></td>
<td>Organization is decentralized with special units.</td>
</tr>
<tr>
<td></td>
<td>Intimate relationship with the community.</td>
</tr>
<tr>
<td></td>
<td>Use of problem-oriented policing, foot patrol, and public relations.</td>
</tr>
<tr>
<td></td>
<td>Improve citizen’s quality of life, but reliance on officer as a social worker.</td>
</tr>
</tbody>
</table>

Political Era (1840–1930)

As in England, industrialization in the United States during the late eighteenth and early nineteenth century brought with it rising levels of urban crime and public disorder. As immigration and internal migration led to rapid increases in urban populations—particularly in cities such as New York, Boston, Chicago, and Philadelphia—a new underclass of urban poor emerged. Food riots, labor strikes, and the growing threat of widespread civil disturbance led many local politicians and industrialists to conclude that a new system of law enforcement was needed if the social fabric of the country was to be maintained. However, many were wary of allowing the government to establish a permanent police force, particularly given that Americans had fought the American Revolution to free themselves from just such control by the British. Eventually, however, formal police forces were established, and by the end of the nineteenth century professional policing and law enforcement had become a fact of American life.

Boston was the first city to establish a formal night watch system in 1801, supplemented by a day watch in 1838. The first city to formally employ both day and night watchmen was Philadelphia, though it was New York City that established what is considered the first modern police force given that the day and night watchmen were under the supervision of one police chief. The force—loosely modeled on the London Metropolitan Police—was organized along military lines, but, unlike their counterparts in London, the New York Police derived their authority not from an Act of Parliament, but rather from the support of local politicians. As a consequence, from the outset they were vulnerable to political interference and external pressure.

To exacerbate the problem, early police organizations tended to be highly decentralized. Local stations and officers were rarely supervised or held accountable by anyone except their immediate superiors. During the nineteenth century, most police officers actively worked to further the interests of the local politicians who placed them in power and gave them their resources and authority. These politicians were almost all upper-middle-class white males who worked within a spoils system, appointing people to civil service jobs predominately based on patronage, political affiliation, or in return for monetary payments. In addition, they often rewarded their associates by giving them key positions in police departments, and the politicians, in turn, used the police to help them maintain their political positions. As a result, policing was rife with corruption. Toward the end of the nineteenth century, many public leaders became convinced that something needed to be done to combat increasing levels of corruption and political favoritism resulting from the spoils system. It was at this point that the police began a period of major reform, aimed primarily at making them more professional and less susceptible to outside pressures.

The Pendleton Civil Service Act of 1883  One of the most significant developments at the end of the nineteenth century was the passage of the Pendleton Act, whose primary purpose was to abolish the spoils system. The Pendleton Act was a federal bill, and its main goal was to reduce the level of corruption endemic with the federal administration of Ulysses S. Grant (The Columbia Encyclopedia 2001). Because it was a federal act, it only applied to federal employees. However, it set in motion a series of similar proposals at the state and local levels calling for the reform of hiring and promotion standards for civil servants in local governments.
Because it established objective criteria for hiring public officials and made it unlawful to dismiss civil employees for political reasons, the Act led to a wave of reforms. Before the Act, most government positions were political appointments. Although the Act did not entirely eliminate the influence of politicians, it was an important first step towards regulating the influence of politicians in hiring decisions. For instance, under the Act politicians were prevented from hiring members of the same political party, but instead were required to hire equally across all parties. This resulted in less power being vested in individual parties and, thus, less corruption. Note that corruption was ever more difficult to combat during this period, given that the police forces were not particularly 
**legalistic**, or oriented toward the strict enforcement of the letter of the law. Instead, police forces focused on **order maintenance** and the status quo.

In addition to regulations on hiring and firing of employees, the Pendleton Act also established regulations for promotions. The second clause of section two of the Act states that competitive exams must be given to all those applying for a promotion and that the person with the highest exam score will be promoted. This reform was intended to ensure that promotion was based on an objective evaluation of performance in police departments in hopes that the best person for the position would be selected. The same section goes on to state that “no person in said service has any right to use his official authority or influence to coerce the political action of any person or body,” once again establishing a fair system whereby no one from a particular party is favored or punished. As a whole, the Act did not directly address the sources of corruption; however, it did provide honest officers with some degree of protection from political pressure and a degree of job security.

**Wickersham Commission** The turn of the century brought with it significant social change in the United States. The Industrial Revolution was causing vast urban growth, which coincided with a rise in anonymity within the cities and an increase in crime. It also brought forth different types of crime. Not only were juveniles and women being picked up by the police more than ever before, but there was also an increase in organized crime. This was aggravated in 1920 with the passage of the Eighteenth Amendment, or Prohibition.

In hopes of finding solutions for these and other social ills, Herbert Hoover organized the **Wickersham Commission** in 1929. The purpose of the Commission was to address growing concerns with prohibition, the increasing crime rate, and problems with the juvenile justice and adult criminal justice processes (National Commission on Law Observance and Enforcement 1931). Hoover also recognized the need for evaluation of governmental agencies; many individuals were calling for a reduction in civil liberties and increased police powers in order to reduce the crime rate. At the same time, however, he recognized that there was an increasing social awareness of problems between police and minority communities and that police abuse of power over minorities needed to be addressed.

Though its findings were not remarkable, the Wickersham Commission has come to be regarded as a turning point in the history of policing. The primary reason for this is that it undertook the first large-scale study of the U.S. criminal justice system. Additionally, it was critical of the police in its findings, calling for significant police reforms. In particular, the commission focused on police misconduct, spurring leaders in the policing community to develop sys-
tems whereby citizens could register complaints against the police and implementing internal mechanisms for the investigation of police misconduct. Although the main focus of the Wickersham Commission was on issues other than the police, it served as an important precursor to future Commissions.

Women and Minorities in Early Policing. It is important to note that although many police forces in the United States were modelled along English lines, America’s past meant that these new police officers faced a number of challenges different from those that confronted their counterparts in England. Perhaps most significant was the question of how the police were to deal with issues relating to race and the continuing effects of slavery. The Political Era of policing was not particularly concerned with the recruitment of women and minorities. Instead, where this did occur, it was based on a narrow view of their potential uses in policing.

African American officers were almost unheard of in the early days of policing. A consequence of this was accusations of racial bias by the police. The first known African American police officer served in Washington, D.C., in 1861 (Sullivan 1989). In the 1870s, the New Orleans police force was the first to actively recruit African Americans. New Orleans had a large African American community at this time, and black police officers were hired to police predominantly black areas. Three African American officers were even appointed to the police board. Despite these developments, Williams and Murphy (1990) contend that the Supreme Court’s decision in Plessy v. Ferguson “completed the quarter-century-long process of standing the law established by the reconstruction amendments on its head.” In New Orleans, the number of African American police officers dropped from 177 in 1870 to 27 in 1880. By 1910, there were no African American police officers in New Orleans, and the city remained without one until 1950 (Williams and Murphy 1990). It was not until the second half of the next century that forces across the country began to deal directly with the issue of law enforcement and race.

Like ethnic minorities, women also were nearly nonexistent in early police forces. When women were first hired by the police, it was as police matrons in the 1880s. The police matrons, who were for the most part upper-middle-class white women, performed duties such as visiting the sick, making lunches for the male officers, searching female and juvenile suspects, escorting and supervising women in precinct detention facilities, and going to houses of prostitution,
amusements, theatres and dance halls, as needed, to reform the wayward
twomen. The first documented policewoman was Alice Stebbin Wells, who
joined the Los Angeles Police Department in 1910. The duties of policewomen,
like the matrons, focused on social service activities such as preventive and pro-
tection programs for women and children. Not surprisingly, the appointment of
minority policewomen lagged behind that of whites. The first black female to be
hired by the police was Georgia Robinson, who began working for the Los An-
geles Police Department in 1916 as a matron and was then promoted to policewoman in 1919 (Schulz 1995).

In 1926, it was estimated that there were around 500 policewomen working
in 175 cities across the United States. Salaries were an issue, because nearly
all policewomen earned less money than their male counterparts. By 1945, a
government publication, based on the U.S. Census, put the number of police-
women at around 3,000. Despite the increase in numbers, women still per-
formed duties oriented toward social service roles. In the era of professional
policing, crime fighting, not social services, was the hallmark of a typical police
officer (Schulz 1995).

Though the hiring of policewomen increased during World War II, women
were still significantly underrepresented in the police. Demonstrating its posi-
tion as a both a barometer and enforcer of the external social forces in which it
is situated, it was not until the civil rights movement and equal employment op-
portunity legislation in the 1960s that women and minority officers began to
take on equal roles within law enforcement, themes that will be developed
throughout this book.

**Origins of the Reform Era**

Looking back over the history of policing, both in England and the United
States, it is possible to see that many of the basic concerns about accountability,
independence, and effectiveness that occupied the minds of the first law en-
forcers are still issues today. The extent to which police officers should be a part
of the communities they police and the role that the public ought to play in the
task of law enforcement remain important questions. In an effort to “correct”
some of the negative influences in law enforcement, such as entrenched prac-
tices of corruption and brutality, reform efforts sought to create a more objec-
tive, legalistic profession driven by the rule of law.

**Faces of Reform: Early Leaders in Law Enforcement Reform**

Although a number of individuals have had a significant influence on policing
throughout the century, three in particular were at the forefront of police change
during the Reform Era. August Vollmer, O. W. Wilson, and J. Edgar Hoover all
helped to transform law enforcement from a corrupt organization into a re-
spectable profession at the local, state, and federal levels.

**August Vollmer: The Father of Police Professionalism**  August Vollmer is
perhaps best well known for linking education to police training, establishing
the first police training school in the United States by drawing on the resources
of universities in and around Berkeley. Having served as the chief of police in
Berkeley, California, from 1905 to 1932, August Vollmer is considered a pioneer of police professionalization and reform. He also helped to develop the School of Criminology at the University of California at Berkeley, which would become a model for law and criminal justice education throughout the United States.

Vollmer is credited with, among other things, introducing the use of intelligence and psychological testing to officer-selection procedures. He also led the move toward greater use of the scientific method in police investigations, establishing a forensic laboratory in Berkeley. Vollmer viewed police officers as “social workers dealing with a range of societal problems which manifested themselves in crime and disorder. In his view, policemen should become college-educated professionals akin to doctors and lawyers” (Repetto 1978, p. 243). To this end, he was one of the founders of the professional association that later would become the American Society of Criminology.

O. W. Wilson: The Protégé A protégé of Vollmer, O. W. Wilson stands as one of the most influential writers on the subject of policing during the twentieth century. He is the author of the first two books on police management, one of which is described by some authors as being “the Bible of policing for decades” (Dempsey 1999, p. 16).

During his tenure as head of the Wichita, Kansas, police department, Wilson conducted the first systematic study of the effectiveness of one-officer police squad cars. His results showed that they are as efficient and effective as two-person cars, contrary to popular opinion at the time. During his time in Kansas, Wilson would make major reforms to police training, implementing many of the ideas of his mentor, August Vollmer.

Wilson viewed managerial efficiency as central to police administration, believing that police departments should “maximize patrol coverage by replacing foot patrols with one-person auto patrols” (Dempsey 1999, p. 16). Moreover, he saw rapid response to calls as being the best means of measuring the effectiveness of police departments. As such, he developed workload formulas to measure calls for service versus reported crimes on each beat to guide deployment. Both of these views became leading principles guiding police management throughout the Reform Era.

J. Edgar Hoover: The FBI Even today, the name J. Edgar Hoover is synonymous with that of the FBI in the minds of many Americans. A firm
believer in the need for professional law enforcement agencies, Hoover was largely responsible for developing the FBI National Academy in 1935, which is responsible for training police officers from around the country in specialized policing and investigation techniques. Hoover also was responsible for establishing the FBI Crime Laboratory, which, despite controversy surrounding the lab in the 1990s, is generally regarded as one of the best such laboratories in the world. Hoover's other key achievements include the introduction of the FBI Uniform Crime Reports; the hiring of accountants and lawyers to serve as special agents; and the development of the FBI's Ten Most Wanted Criminals program.

Although Hoover is well regarded as a reformer and advocate of police professionalism, his reputation since his death has suffered considerably. There are many reasons for this, both professional and personal. On a professional note, Hoover has been accused of harassing alleged Communists, using domestic surveillance by the FBI during his time as head of the Bureau, suppressing information from the Warren Commission (the Commission that investigated the murder of John F. Kennedy), protecting individuals involved in organized crime from investigations, and mishandling royalty funds from books and movies (Gentry 1991).

On a personal level, there were many rumors about his sexual proclivities, including his possible homosexuality (despite his vehement opposition to homosexual relationships) and cross-dressing (Theoharis 1995). Some biographers speculate that his protection of organized crime families was the result of indecent photos they possessed of him and his sexual activity (Summers 1993). It might be beneficial to consider Hoover's harassment of alleged Communists and improper use of surveillance as we consider limits to law enforcement freedoms today in investigating alleged terrorists.

Chapter Summary

- The origins of social control date back to at least 2200 BC. The earliest known formal law is the Code of Hammurabi, which was the first set of laws to establish punishments for specific acts.
- Both England and the United States had informal systems of policing until the nineteenth century. The informal systems were based upon the concept of community responsibility. Neighbors would take turns watching each other's houses for protection. In the United States, there were vigilante committees in the frontier, composed of citizens who wanted to actively fight crime.
- The first formal police organization was the London Metropolitan Police, formed by Sir Robert Peel when he signed the Metropolitan Police Act 1829. This organization was governed by strict standards of conduct and discipline that were laid out in Peel's Principles of Policing. Many forces worldwide followed the military-like structure of the Metropolitan Police.
- Throughout the South (and in some Northern cities) policing focused on slave patrols. The primary purpose of these was to ensure that slaves did not escape from their masters and followed the rules. Once the slave codes were
abolished, Jim Crow laws were formed. These required that a number of institutions, such as schools and parks, have “separate but equal” areas for blacks and whites.

- Kelling and Moore describe three eras of policing: the Political Era (characterized by corruption, decentralized structure, and an intimate relationship with the community); the Reform Era (characterized by professionalism, centralized structure, rapid response to calls, and poor relations with the community); and the Community Era (characterized by a focus on service to the community, going back to a decentralized force, and the use of foot patrols and problem-oriented policing).

- Policemen and policewomen have traditionally held very different roles (though their roles are now equal). Policewomen were originally hired as matrons and worked only with women and juveniles. Their roles were similar to that of a social worker, and their primary concern was the welfare of women and children in the community.

- In an effort to professionalize law enforcement and remove the political influences fueling corruption, the reform movement was born. August Vollmer, O. W. Wilson, and J. Edgar Hoover were at the forefront of these reform efforts.

**Linking the Dots**

1. What are the similarities between our current policing system and the watch system? The Code of Hammurabi?
2. In what way can policing be a political issue?
3. Why were there so few women and minority police officers at the turn of the century? Why are they still so underrepresented?
4. Is there a political/police figure today as groundbreaking as Robert Peel?
5. Would the U.S. system of policing work in England? Why or why not?

**Key Terms**

- Bobbies 44
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- Constables 40
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REFERENCES

4. Jim Crow laws differed in each state. These are general examples of requirements of Jim Crow laws and are not specific to a particular state. For a summary of many laws by state, see www.nps.gov/malu/documents/jim_crow_laws.htm.