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A HISTORICAL PERSPECTIVE OF  
POLICE DEVELOPMENT IN AMERICA

By

Edward Toporek

Gilbert H. Bruns

ARIZONA STATE UNIVERSITY  
OFFICE OF THE COORDINATOR

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### I. Introduction

Today the performance and effectiveness of the American law enforcement establishment is being examined by various experts, scholars, and social scientists. Their comments range across a wide spectrum of opinion, from the favorable to the condemnatory. Almost all admit that the present system has its inadequacies. However, there is considerable disagreement about the nature and seriousness of those imperfections. Some regard them as near-fatal deficiencies, the inevitable result of a structurally flawed organization; others regard them as minor shortcomings which could be remedied rather simply; still others concede that there are some rather serious problems, but they consider many of the proposed solutions to be more harmful to the American way of life than the problems themselves. Although the numerous critics differ in their assessments of and solutions to existing problems, there is one point on which most of them agree: that there is extensive fragmentation, proliferation, and multi-layering of police jurisdictions existing in the United States. There is additional agreement among many of them that this is an undesirable feature which is partially responsible for many of the problems in law enforcement presently encountered in America. Some of the critics contend that centralization of police activities would not only resolve

many of the underlying problems, but would indeed result in a more effective and efficient police.

Despite the apparent logic of the concept of centralization of police, its proponents have faced strong opposition. Not even the evident success of centralized police organizations in many European countries has convinced those who oppose centralization. These adherents to the decentralized police system traditional in America have argued that maintenance of this decentralization is necessary to the preservation of the democratic form of government in the United States.

Traditionally in America governmental functions have taken place at the lowest possible level. Although national defense, foreign policy, and other similar functions have, of necessity, been executed by the highest level of government, such functions as education and law enforcement, because of their intimate relationship with the day-to-day life of the American people, have been generally subject to governmental control at the local level. Law enforcement needs, like education needs, might vary greatly in different parts of the country; a system appropriate to a large eastern metropolis would not be appropriate to a small southern hamlet. Local conditions would determine which system of law enforcement was best.

Obviously this philosophy of law enforcement at the local level has been modified over the years. Police

agencies now exist at the state and federal levels, performing law enforcement functions that could not be dealt with adequately at the local level.

Without doubt there will be further modification of the American police system in the future. Decisions will have to be made about centralization and other issues. However, those future decisions must be based on a thorough understanding of the current situation. Those who recommend centralization must recognize that no matter how theoretically logical the idea may be and no matter how successful it may have been in some European countries, it cannot be successful in America unless it can be made to fit the grain of American society. On the other hand, those who favor decentralization because of its conformance to the traditional American way of life must recognize that forms of government have never remained static in the United States, that many traditions have changed shape over the years, and that those which proved to be totally unadaptable to the evolution of American society have dropped by the wayside.

There can be no doubt that the American system of law enforcement will change in the future as it has changed in the past. But the determination of what shall be changed, what shall be retained, and what shall be discarded cannot be made intelligently without a thorough understanding of the present system. And a thorough

understanding of the present system is impossible without a clear idea of how that system came to be.

In the following study, we have attempted to provide a historical perspective of police development in America, trying to show its relationship with earlier and different systems and how it has adapted those earlier systems to its own unique situation. We have also discussed some of the problems of law enforcement in contemporary America, some of the proposed solutions to those problems, and some of the objections to those solutions. It is our conclusion that the present situation is critical and that centralization of police will be a focal issue for American law enforcement in the immediate future. Change is inevitable whether as a result of indecision or decision. The ever-increasing crime rate indicates that the consequences of irresolution will be serious. However, the consequences of ill-considered decisions may be even more serious. It is our hope that this study will aid those who must decide and those who must implement their decisions to do so more intelligently, more confidently, and more effectively.

## II. Primitive Societies and Ancient Civilizations

Primitive societies were comparatively free from law. First because they were ruled by customs as rigid and inviolable as any law. Secondly, because crimes of violence, in the beginning, were considered to be private matters and were left to personal revenge. Thus there was no need for any sanctioned official or agency to act as the dispenser of justice or the enforcer of public safety. Redress of any wrongdoing was left up to the individual or his immediate kin.

When to this natural basis of custom a supernatural sanction was added by religion and the ways of one's ancestors also became the will of the gods, then custom became stronger than law and subtracted substantially from primitive freedom.<sup>1</sup> Although crude, this became the initial stage of social order.

Since the emergence of social order, there has always been one charged with the responsibility of enforcing the prevailing tribal rules, taboos, or customs. This was essential to maintain the tribe's or clan's stability and sense of belonging. It was also necessary for the maintenance of tribal self confidence that their interests were being assured by the favorable interference of their totems, deities, or spirits. In most primitive societies, the responsibilities were clearly defined and were enforced by either the chief, shaman, or designated priests or witch

doctors. Whether the enforcement was done in the name of religion, custom, revenge, or common welfare, the significance lies in the fact that, even in the primitive state, man has always believed in correcting wrongs, real or imagined, inflicted against him. Thus when it became necessary to rectify a wrong, in addition to insuring that some one was responsible for the rectification, it was also important that the rectification be carried out in accordance with existing social or religious mores. According to Durant, the first stage in the evolution of law and order was personal revenge.<sup>2</sup> He hastens to add that this attitude of revenge and punishment is still with us at the present time.

The next step toward law and civilization in the treatment of criminal behavior was the substitution of damages, i.e., payment in accepted commodity, for acts of revenge. This development coincided with the rejection of the nomadic style of life and the creation of permanent settlements.<sup>3</sup> A tighter social organization and acceptance of restricting codes of conduct were demanded of the assembled inhabitants. With the expansion of commerce and agricultural wealth, this transition was possible as desirable commodities appeared that could pacify or satisfy the wronged party. Eventually damages or restitution were codified, becoming a mainstay of ancient social systems. With time, the need for arbitrators to adjudicate the disputes became evident. Thus, the next step toward social stability was the creation of courts presided over by local

rulers, satraps, priests, or elders. The parties involved in disputes could make their plea to the disinterested court and receive the judgment in their case. Of course, the judgment passed was binding and had to be enforced. Local garrisons were utilized in a limited police capacity to insure that laws were obeyed and legal pronouncements were executed. In a limited sense the beginnings of police can be attributed to the establishment of permanent settlements and the start of urban society.

With the assertion of a social hierarchy in the disputes of the citizenry, the next logical, and perhaps the most important, step was taken: the assumption by the leadership of responsibility for preventing conditions potentially harmful to their constituents. The protection of property also became an increasingly important issue as civilization became more and more associated with land, agriculture, and personal wealth. By assuming the responsibility for protection of the public and its property, the leadership was forced to insure that offenders were punished, as a deterrent measure and as a demonstration of their ability to protect the inhabitants. In return, they demanded allegiance and loyalty to established social organizations. This stage of organizational development provided the transition from a primitive, loosely organized society to a well-defined, orderly social establishment. At the same time there occurred a transfer of certain responsibilities from the individual to the state represented by a local king or headman.



Durant in his epic work, The Story of Civilization, aptly notes that:

In general the individual has fewer 'rights' in the natural society than under civilization. . . . Only with the coming of private property, which gave him economic authority, and of the state, which gave him a legal status and defined rights, did the individual begin to stand out as a distinct reality. Rights do not come to us from nature, which knows no right except cunning and strength; they are privileges assured to individuals by the community as advantageous to the common good. Liberty is a luxury of security; the free individual is a product and a mark of civilization.<sup>4</sup>

After the creation of a communal society based on an agrarian economy and the establishment of clearly defined communities with designated social structures, settling disputes by means of restitution became the established method for resolving personal disputes. With the reliance of the citizenry on the arbitration method to resolve all the disputes, it became apparent that some type of legal system would be required to insure continuity and equality in the adjudication process. Furthermore, some means of permanently preserving judgments had to be made since, with the growth of commerce, disputes might involve inhabitants from other communities and could have effect on relations with other nations, cultures, and religions.

The first signs of a legal system can be traced to Egypt circa 4,000 B.C.<sup>5</sup> This legal system persisted through many centuries and was used by various ancient cultures,

with modifications, to meet local needs. The Egyptian system was eventually replaced by the emerging Greek system, which was superimposed on the existing national systems by Alexander the Great. His aim was to create a unified empire with universal standard laws for all its citizens.

The basis of Egyptian law was the Pharaoh, or king, in whose name justice was administered from the Palace of Justice. This activity was conducted daily and was performed by appointed judges who dispensed justice in his name and who were synonymous with the state. The importance of these judicial proceedings can not be overemphasized--the judgments were not made arbitrarily, but were in compliance with existing laws. According to Wigmore, the legal codes of Egypt, consisting of forty rolls, were kept on tables before the judges whenever trials were held.<sup>6</sup> In addition, all legal transactions were duly recorded and retained in archives located in the Palace of Justice.

With the emergence of a judicial civil service, it became evident that some means would be necessary to insure that its decrees were carried out. Normally the enforcement of laws was left to the military who, in addition to providing external security, were responsible for the maintenance of internal law and order. However, during this period there emerged a police body that was separated from existing military formations and whose exclusive function was to maintain the Pharaoh's peace. This force was created by the temple priests who, among other things, were re-

sponsible for numerous civic functions within their districts or communities and whose decrees and rulings had the same binding force as the law of the land in their localities. The priests maintained a force of servants who were responsible for insuring compliance with existing royal rules and priestly directives.<sup>7</sup> Hence, there emerged a law enforcement organization whose responsibility was to insure that the general public complied with the issued edicts and regulations. It is important to note that this force of temple servants, or slaves, had no responsibility for creating or issuing laws, but were solely responsible for insuring that the laws were complied with and obeyed, a system very similar to our modern police mandate.

The next stride in the legal system was made in the kingdom of Babylon. The judicial system in Babylon was highly developed and well organized.<sup>8</sup> Documents stemming from that period show that there existed a corps of professional judges and various other court employees who, in addition to having defined civil and criminal codes, operated with standard formats and formalized legal processes.

As in Egypt, the king was the source of divinely inspired justice; hence, the legal rules were not only approved but sanctioned by the ruling deity. During the reign of King Hammurabi, approximately 2,100 B.C., the existing laws were codified into the system since known as the code of Hammurabi. This legal document is significant because it

attempted to define the individuals' responsibilities regarding their contractual obligations in dealing with each other; however, more important, it prescribed the penalties for various offenses. Punishments were harsh, but, on the whole, the code attempted to secure a form of justice. Penalties were graded in their severity so that the higher the culprit in the social scale, the more severe the penalty. Although the punishments were barbaric and cruel, based on the concept of lex talionis, "an eye for an eye," nevertheless the code was a further step toward the concept of equal treatment for the individual confronting the courts. It also emphasized the idea that punishment for offenses had been removed from the hands of the clan and family and placed within the administrative sphere of the government.

It was during this period that the administration of justice was transferred from the priesthood to the secular, royally appointed judges. With the enactment of the code and the designation of judges by the king, the dispensation of justice became more uniform throughout all sectors of the realm.

Although there is no evidence to indicate the manner in which the laws were enforced, it is quite conceivable that with such a highly developed legal system, the administrators would have organized bodies of selected individuals responsible for insuring that the laws were obeyed. Furthermore, it appears logical that there would have been some means of identifying and delivering offenders for

judgment, especially in cases where the state rather than a private individual was the victim. With the emergence of strong rulers whose domains comprised conquered territories, it is very likely that these law enforcement units would have operated from a provincial level where the administrative and judicial powers were concentrated.

The Greeks did not make any great contributions to the development of police concepts or theories; however, they did act as the springboard for the legal system developed by the Romans which not only had tremendous influence on the development of western civilization but is the basis, in many instances, of present legal systems. This is not meant to suggest that the Greek culture failed to make any contributions; there is no denying that the Greeks were chiefly responsible for the concept of democracy and many other cultural and scientific developments. Nevertheless, in the context of this presentation, the Greeks' primary significance is their formalization of the many theories utilized by earlier civilizations, readying these pre-existing ideas for adaption by the Romans.

Among the concepts perfected by the Greeks, according to Zane, were the following:

The Greeks in their high state of civilization had gotten rid of almost all primitive notions, individual property had been developed, a fixed and settled form of marriage, a monogamous family, the recognition of the citizen's duties to his country, to his family, to his fellow citizens, had all become clear. Individual liability for indivi-

dual acts had been made plain. The laws, as providing for all these relations, were well recognized.<sup>9</sup>

Such concepts had great influence on the development of the Roman society. However, it must be emphasized that the Greeks, with all their tremendous influence on many aspects of modern cultural developments, had a minimal effect on the legal system of the Romans and, consequently, on the western world. As Wigmore states:

But with all this wealth of advanced types of transactional forms, there is still something lacking. Looking back over the Greek records, and comparing them with those of the people that preceded and followed, the truth seems to be, that though the Greeks had a system of justice, it can hardly be said that they had a system of law,--in the Roman and the modern sense of the term. They constructed no codes. They reported no reasoned decisions. They wrote no doctrinal treatises. . . . Their one juridicial contribution, the popular jury-court, took a form most susceptible to caprice, and essentially incompatible with any science of law.<sup>10</sup>

According to all available data, it appears that the Roman legal system is the basis of modern jurisprudence and many other civic institutions, including the police. However, from the standpoint of this study, the Roman system is also important because it formalized police and law enforcement concepts and assigned responsibilities to designated officials for public safety. This report will deal in some detail with these areas of Roman contribution.

Initially some attention must be given to the contribution made by Rome to the legal system which is the basis

for the criminal justice system and is closely interrelated to law enforcement. Essentially, Zane summarizes the Roman contribution as follows:

When we seek the essential elements of Roman contribution to the growth of jurisprudence, we find them not only in the discovery and recognition of improved rules of law, but still more in the development of a milieu or an atmosphere of legal reasoning, wherein civilized jurisprudence could expand and adapt its rules to the expansion and multiplying of relations and duties arising from a social life growing more and more complicated.<sup>11</sup>

It is the writers' opinion that the main contribution of the Romans lies not just in their codification of their laws but, more importantly, in their development of a civil service code of responsibility and compliance. The Romans were a people ruled by law, but here we note a very important difference from previous cultures: Roman officials were also required to obey the same laws applicable to other citizens. Essentially, the officials had their jurisdictional responsibilities defined by law, and they were held accountable for compliance with the same law; hence, not only was the responsibility of the public defined, but also that of the state and its civil servants.

In addition to various general civic positions, there were established special positions dedicated to enforcement of laws and protection of peace within the limits of Roman communities. Kunkel describes these "peace officers" and their responsibilities as follows:

Of course there were from very ancient times a number of offices which had not only limited duties but also limited powers in the fulfilment of these duties. Their holders certainly possessed official authority commensurate with their spheres of operation (potestas) but had no general power of command (imperium). The oldest of these offices [was] the quaestorship. . . . Later than the quaestorship [was] the office of the curule aediles. Together with the plebeian aediles, who were originally special officers of the plebs, they policed the streets and markets; but, unlike the plebeian aediles, they exercised jurisdiction in market disputes and in certain matters of public order.<sup>12</sup>

Thus, we observe the emergence of the first police force dedicated exclusively to the idea of enforcement of public order and general enforcement of prevailing laws. Eventually, there emerged a public position, the princeps, whose responsibility for administrative functions in provincial and urban affairs included the maintenance of adequate police and fire-fighting forces.<sup>13</sup> Because of prevailing conditions, these police forces had limited objectives, but their significance does not diminish because of this. As Kunkel says:

. . . as Rome developed into a metropolis dominated by powerful social tensions . . . the growth of the urban proletariat and of the slave population was certainly accompanied by a rise in criminality which demanded vigorous measures for the maintenance of public security. There thus arose . . . a drastic police-jurisdiction directed against those guilty of crimes of violence, arson, poisoning, and theft.<sup>14</sup>



In Rome, the policing of the city was in the hands of the praetor urbanus (town guard) who, in turn, had a force of tresviri capitales (magistrates of lower rank) who had the responsibility of policing the city, operating the city jails, and executing confessed or adjudicated criminals.<sup>15</sup> This force also killed criminals apprehended in the act of committing an offense. In addition to these all-around police officials, there were also the quaesitor (detectives) whose responsibility it was to investigate the validity of allegations made against a citizen.<sup>16</sup>

The Roman system was efficient but, according to current standards, somewhat crude. Personal rights were dependent on individual position or wealth. The judicial and police system was not available to all Roman citizens equally, but was reserved for the more influential and affluent members of the society. Workers and slaves were judged on the spot by the apprehending police officials, or later by a low court magistrate. However, this study is concerned with the basic concepts of police development and not with their manner of enforcement or application.

During the reign of the Emperor Augustus the Roman system underwent considerable transformation. Augustus modified and improved the existing police concepts, setting precedents for police enforcement for many centuries to come; he was the most significant influence on western development of orderly law enforcement and his ideas served

as a prototype for many emerging European police forces.

Kunkel describes Augustus' contributions as follows:

As has already been indicated, Augustus did not abolish the late republican jury-courts but on the contrary renovated them and increased their number. Thus they remained under the Principate the organs of 'ordinary' criminal justice. . . . But Augustus simultaneously subjected the police system and police justice to a thoroughgoing reform by appointing a senator of consular rank to the permanent post of urban chief of police (praefectus urbi) and by creating a strong force of police quartered in barracks, the cohortes vigilum. The praefectus urbi and also, though with a limited jurisdiction, the commander of the vigiles (praefectus vigilum) replaced the tresviri capitales as the organs of police justice. Outside the city of Rome and its environs. . . . He covered the the country with military posts, probably mostly garrisoned with men drawn from the praetorian guard, the only military unit stationed in Italy and thus under the command of the praefecti praetorio. Probably the commanders of the individual military posts always had a jurisdiction over criminals from the lower orders (especially slaves) while other criminal cases were sent on to the praefecti praetorio.<sup>17</sup>

This police organization served as the basic format for many police agencies throughout Europe. The present police organizations of France and Italy, the countries most heavily influenced by the Roman legal and judicial system, are basically using the same police organizational concepts advocated by Augustus. Even our American state police organizations have been strongly influenced by his ideas.

In addition to reforming the police operations within the Empire, Augustus also improved criminal justice. This is brought out by Kunkel who states:

Police jurisdiction no longer lay in the hands of young magistrates of inferior rank who changed each year and thus had little time to gather experience. It was now exercised by tried men, some of whom were even prominent jurists, and whose duration of office in any case made possible a certain stability in the administration of justice.<sup>18</sup>

With the decline of the Roman Empire, the authority of central government with its civic responsibilities, especially in law enforcement, reverted to local control. Throughout the Middle Ages the strife that engulfed Europe was basically a struggle over the issue of where to place control. The conflict was between the proponents of central authority, i.e., royal power, and the proponents of local control exercised by the landed nobility. Throughout this period the responsibility for law enforcement, of necessity, was relegated to local authorities who met the responsibility the best way they could. This reliance on local resources was responsible for shaping the concept that the community was responsible for policing itself; this theory took root most firmly in England and ultimately was transplanted to the United States.

### III. England

England, like most of the rest of the ancient world, was dominated not only by Roman military might, but also by Roman law. Although all the intricacies of the Roman attitudes toward police and law enforcement were not transplanted to the British Isles, the essential concepts were introduced. No doubt individual interpretations of ruling governors prevailed, but in the final analysis since the governors themselves were the products of Roman culture, undoubtedly they complied with the basic tenets and precepts of their legal system.

Because of the distance from Rome and due to the hostility of the native Celts, Roman ideas did not find fertile ground in Britain as they had in other parts of the empire. In 407 A.D. Roman troops were recalled from Britain to protect the ever-narrowing perimeters of the threatened Empire which was collapsing as a result of the external pressures of the barbarian hordes and the internal weaknesses of its own decadence. The native Britons, left without the Roman protection upon which they had come to rely too heavily, fell easy prey to the invading Anglo-Saxon tribes. Some fled to Wales and Scotland; apparently those who remained were either exterminated or subjugated by their conquerors. Whatever their fate, they and their Romanized civilization disappeared from England proper. Until the arrival of William the Conqueror in 1066, English society was Germanic,

not Roman. The Anglo-Saxons and their cousins, the viking raiders from Scandinavia, were, in many respects, much more primitive than the Romanized Celts whom they had displaced. The system of personal or clan vengeance for offenses was an important part of their culture. In some instances restitution rather than vengeance was acceptable. For example, a murderer might be able to make an arrangement whereby he satisfied the claims against him by paying a wergild, or man payment. The amount of man payment and its relative acceptability varied with the victim's rank. A rather modest wergild would compensate for a slave; however, only blood vengeance would satisfy the murder of a king.

In such matters the Roman Catholic Church which had begun Christianizing the English in 597 A.D. was the most significant moderating influence. It was also the major transmitter of Roman civilization as well as Christianity because it was the primary institution which survived the fall of Rome with its organization intact.

The English police system really did not begin until the late 9th century when King Alfred originated, or at least established, the tithing system in each shire.<sup>19</sup> The shire was an administrative entity, similar to the American county, into which early Anglo-Saxon England was divided. There were four shires; each shire had a royal appointee, the shire-reeve, who was the chief judicial and law enforcement official for the area. He was, in fact, the royal representative in all matters state or local.

The tithing system was a civic organization which required all able-bodied men, when summoned by the shire-reeve, to form a posse comitatus and assist in apprehending and bringing to trial any person guilty of the commission of a crime. The chief tithingmen were also permitted to summon, or sound the hue and cry, and thus use all available males in suppressing crime within the shire. This placed the responsibility for local enforcement on designated individuals--the chief tithingmen--who, normally, were elders of the community or other influential individuals. Thus, from the earliest beginnings, the English public was intimately involved in the process of insuring that the laws of the land were obeyed.

After the Norman invasion of England in 1066, another basic approach to local security was employed in addition to the already established tithing system. This was the Norman system of frankpledge<sup>20</sup> as organized by William the Conqueror. According to Coatman, this system of frankpledge is very important in the development of modern police concepts in England for the following reasons:

Before the Norman Conquest, arrangements for security and pursuit of offenders had been in existence in England, but the fusing of these two duties in frankpledge appears to have been the work of William the Conqueror. In other words it represented a deliberate action by the Crown, the central government, whereby frankpledge was made an instrument of local security.<sup>21</sup>

Besides establishing the supremacy of the central government, frankpledge also had an organizational function. Frankpledge bound all subjects to the law and was based on the organization of tens. In this system ten families living in relative nearness to each other were organized in tithings (i.e., tens) in the event that any member of the tithing had to identify and produce an offender or pay a fine. The elder or senior member of each tithing was to insure that every male over the age of ten was included in the group. Significantly members of the nobility or the priesthood were excluded from the tithing system.<sup>22</sup> Although the masses could change their fealty among different locally ruling houses, they were in fact bound by their loyalty to the Crown; this bond probably was responsible for the fairly steady continuum of British government.

In essence, the word pledge denoted the member of the tithing who was the pledge for the good behavior and appearance, when required, of any other member of the tithing. In cases where an offender was not a member of a tithing, the responsibility for the offense was shouldered by the whole community. Thus the community was responsible for the conduct of each of its members, and each citizen was made, in the biblical sense, his brother's keeper. This communal approach was mainly responsible for the British attitude toward local responsibility and insured that laws were administered and complied with at the lowest communal level.

The centralization of authority inherent in the system of frankpledge is important to the analysis of the development of police functions. Central authority is not only important because it can force the local inhabitants to obey its decrees, but also because it allows the pursuit of an offender into any portion of the realm in case he should decide to flee. Another important aspect of central authority is its ability to dispense laws universally throughout the land, thus making enforcement uniform. Coatsman suggests that the existence of a strong central authority early in the developmental and shaping stages of English history had a great effect on the unique character of the English police system and its growth. He elaborates on this point by saying:

Clearly the development of police systems as we know them today was necessarily slow, dependent as it was on the long secular process of the evolution of social relations and the organization of society in urban communities, and above all, the rise of an effective central power which could enforce the peace throughout the country, no matter to what extent control over the agencies actually responsible for the maintenance of law and order might be devolved on local authorities.<sup>23</sup>

With the appearance of larger communal aggregations, the basis of the system was changed from the concept of tens to hundreds. To avoid the hardship placed on the whole community in enforcing the King's laws, communities adopted the policy of designating to specially selected members the



responsibility of insuring communal compliance with royal edicts. Those members would identify, apprehend, and surrender any offender from their midst. Since this was a rotating responsibility, assigned members who could afford it were allowed to hire substitutes to perform their duties in their stead. This was the beginning of paid police officials in England. In the less populated areas, the solution was very similar. There the area normally served by a parish church functioned as the communal base, and a member of the congregation was appointed on an annual basis to act as the law enforcer and was given the title of parish constable.

Thus, we see in England the creation and emergence of certain functionaries whose sole purpose in society was to insure that laws were obeyed and offenders brought to the attention of the proper authorities, i.e., the royal magistrates. As these policemen, or constables, were paid or subsidized by local communities, they were, without doubt, responsive to local civil authorities and to their demands for the enforcement of local rules or requirements.

This system of local police enforcement was formalized by Henry III in 1252 when he appointed a householder in each town who was responsible for seeing that the law was obeyed and civic peace existed. Although these officials were locally paid, they had specified recourses against burghers guilty of criminal offenses or conduct. In 1285,

Edward I brought the same concept to London. This manner of police enforcement continued until 1737 when King George II began utilizing taxes collected by the Crown to pay those serving in police capacities. The next step in formalizing development of the police was taken by George III in 1777 when he prescribed wages to be paid to police officials and equipment to be used by them.

Probably the origin of the modern police force, at least as it applies to England, can be traced to the Metropolitan Police Act of 1829 which created the London Metropolitan Police Force, a police force that initiated many modern police concepts and served as an example for developing police departments in other areas of England.<sup>24</sup> Although this historic milestone was purely an English development, it had great influence on the creation, organization, and operation of police departments in the metropolitan areas of the United States.

#### IV. The United States

In any analysis of the development of police concepts in the United States, it must be remembered that the basic ideas were rooted in the English concepts that were transported here by the early settlers who utilized the governmental system with which they were most familiar, modifying it to suit the new land which lacked the social refinements existing in their mother country. With the influx of non-English immigrants, there was not only exposure to other systems, but also their integration into American social concepts and political realities. However, although our ideas have not been created in a vacuum, Americans are unique in that they had the opportunity to select organizations and concepts and adopt them after observing their successes or failures elsewhere.

When an attempt to study the American police development is made, it becomes quite evident that there is no one prevalent police system in existence. The American police concept is a hodge podge of various systems based on the origins and political ideologies of early settlers and adapted for local use. This does not mean that Americans do not have a police system; it is just that there is no unity in their system as exists in most other countries in the world. Americans have surpassed even the English in their attempts to keep the police responsive to local authorities.

The development of American police began with the arrival of the first colonists on the shores of this continent. Naturally they brought with them their own knowledge and understanding of police responsibilities and functions as they had existed in the localities of their origin. According to Bopp and Schultz:

When in the seventeenth century settlers began migrating to the New World, they brought with them the systems of law enforcement, admittedly imperfect, that they had known in Europe. Yet, although the basic structure of the institutions and ideas remained intact for a time, the physical and eventually the cultural environment of America forced modifications in even the most revered and deeply entrenched customs.<sup>25</sup>

Bopp and Schultz speculate that the first police official in America might have been John Smith. Tradition is that when the first settlement in Jamestown, Virginia, was facing extinction, Smith forced every one to work under the threat of banishment to the wilderness for slackers.<sup>26</sup> If this legend is true, then John Smith not only was the first American law maker, but also the first law enforcer, having the distinction, in addition to his other accomplishments, of being the first American policeman.

Regardless of the role played by John Smith, it appears that the laws in Jamestown were not only issued, but also strictly enforced. Of course, in these early settlements there could not have been any separation made between the leadership and enforcement; they were one and the same. As later colonists arrived and additional communities were

created, eventually a separation between community leadership and law enforcement was made. However, different sections of the country adopted different forms of local government and police enforcement.

The colonists who settled in Virginia, because of its agricultural and widespread communities, adopted the county type of local government. With their choice of the county system, they also selected the sheriff (shire-reeve) form of law enforcement used for centuries by the British. This system was not only the most readily adaptable to the widespread plantations, but its demand for the participation by all eligible males in case of need fostered a communal feeling and made it possible to control quite a large area with only a few police officials. The fact that the land was worked first by indentured servants, and later by slaves, who might attempt to escape played an important factor in the selection of the sheriff system. This system clearly defined everyone's position within the community; one was either with the law or against it.

However, in the New England colonies a different English system was adopted. As the northern communities were predominantly industrial and urban, they chose the constable system of police enforcement prevalent in the English cities and towns.

The two systems, despite their basically differing orientations, were not exclusively utilized in separate areas. In many locations they overlapped or existed side

by side. For example, the Chesapeake area colonies utilized not only sheriffs, but also constables and coroners as officers of the courts.<sup>27</sup> Thus, even in the beginning, there was a profusion of police concepts adopted and modified to meet local needs.

As the necessity for law and order became more evident or increased within the colonial communities, different methods were used to resolve this problem. In 1629, the Dutch settlement of New Amsterdam, recognizing a need for police protection, appointed a peace officer titled the schout fiscal who, in addition to his other duties, was responsible for insuring that laws were enforced.<sup>28</sup> As early as 1636, Boston had an organized night watch whose purpose it was to patrol the streets to combat larceny. Philadelphia and other cities of comparable size also had some type of night patrol to deter crime.

Of course, the expansion in America was heavily influenced by the military. Many American cities were initially military posts around which communities grew. When the posts moved westward or the need for the military presence ceased, the communities remained and prospered. While the military was present, the responsibility for law enforcement remained with them; with their removal from the local scene, this responsibility shifted to the local government which had to devise some type of organization to assume responsibility for policing the community. The

fact that many portions of the developing America initially were under military rule or court martial jurisdiction is an important point for, although the need for the military was recognized, at the same time it was resented. It is quite possible that these early experiences with a highly controlled and directed central authority left their mark on the national attitude and may serve as a possible explanation for the traditional American distaste not only for military supremacy over civilian rule, but also for the concept of central government in general.

With the growth of American cities and the constant influx of new colonists who in many instances were avoiding some type of conflict with their native authorities, an emphasis on urban police problems emerged due to the constant increase in the crime rate. The rapid increase in population and the diversity of backgrounds and languages compounded the problem of lawlessness. As previously mentioned, the cities had relied on the night watch concept to provide public order within their jurisdictions, a police concept that had been imported from England. However because of the low pay and the low prestige of the night watch and the large size of given wards, the enforcement demands made upon the night watch became unrealistic. Furthermore, the night watches were unable to cope with the daytime problems. Nevertheless, despite the inadequacy of the night watch, there were no great changes in this system of enforcement for many years.

As the expansion toward the West continued, the proliferation of various police concepts kept pace with the settlers. Local acceptance of law enforcement systems was strongly dependent, as with early colonists, on the settlers' familiarity with systems in existence in their home communities. Despite local variations the one prevailing system that was universally accepted by the settlers was the office of sheriff. This system of law enforcement was widely adopted by the new emerging communities.

Bopp and Schultz summarize the problem as it existed in the colonial times quite succinctly:

A system of American law enforcement was being formed long before the Revolution as colonial administrators adopted and adapted the usages of their European systems to the peculiar jurisdictional scheme and altered social circumstances prevailing in the New World. Cultures met and blended, as did law enforcement methods. The result was a brand of enforcement which resembled Old World institutions but which, in rather substantial ways, was unique. As the early settlements grew in size the problems created by this growth prompted a movement toward comprehensive laws and firm, often rigid, law enforcement. America, even in the seventeenth century, was gaining a reputation for lawlessness, wanton violence, and hedonism, a reputation not entirely unearned, although the English conception of the New World as a hotbed of criminal activity was greatly exaggerated. Yet crime existed and violence occurred regularly enough to be of concern to colonial leaders.<sup>29</sup>

With the start of the American Revolution, the trend toward formalization of civil law enforcement was interrupted. As in any time of war, the local needs were subordinated to the needs of the military which, among other



things, assumed the main burden for law and order, at least to the degree required by the tactical situation and local attitudes. This was true in areas where the military was active; the remainder of the country was permitted to take care of local problems as best it could.

After the revolution, when things returned to normal and the civil authorities assumed responsibility for local problems, attention was again directed toward law enforcement. But the ravages of war and the rift which remained between the pro-and anti-revolution advocates made the development of law enforcement a slow and painful process. Every community of any size had a part of town that was primarily occupied by criminal and other undesirable elements. Police enforcement in these areas was nonexistent since police were unwilling to enter such areas without military escort.

In an effort to combat and stem increasing criminal activity, urban communities tried to provide better and more continuous police protection to their citizens. A day watch, organized to combat crime when the night watch could not cope with the problem, was created about 1800 in New York. This was the first daytime police force to appear in America, and the two separate watches--night and day--continued to operate independently for many years. Other communities followed the lead of New York by hiring full-time policemen. Boston established a day watch in

1838, followed shortly thereafter by Philadelphia. The first modern American police force appeared in New York in 1844 when both watches were combined into a single police force fashioned after the London Metropolitan Police Department. This consolidation was followed by Boston in 1850, where the modern non-civilian police force as it is today made its appearance on the American scene.

Until 1855, officers were not allowed to wear any uniforms while acting in police capacity. Prior to that time, it was considered un-American for civilian police officers to wear any clothing that would remotely give them a military or non-civilian appearance. Until the acceptance of uniforms, police wore civilian attire of dark color and tall hats.

From the middle of the eighteenth century to the start of the Civil War, the fledgling American police organizations were plagued with graft, mismanagement, and corruption. In general, the police positions were part of the spoils system prevalent at that time, being used by victorious local politicians as a means of reward for their supporters.

The Civil War and the Reconstruction had a devastating impact on many police departments, especially those in the South. The Southern municipal governments had been shattered by the victorious North and, in many instances, the military fulfilled the functions of local law enforce-

ment agencies. Because many leading Southerners did not want to participate in governmental functions with the victors, local municipal governmental agencies often suffered. This was especially true in the area of law enforcement. As the more talented citizens refused to enforce the Yankee rules, police duties fell to the less educated and less capable men. The result of this experience was to be felt for many years as the quality of Southern law enforcement fell far behind that of other sections of the country.

The Southern states were not alone in experiencing problems caused by the Civil War. In the North laws that permitted draftees to buy their way out of the Union Army caused many civil disturbances. For both the South and the North the post Civil War era inaugurated a period of transition and experimentation which continued until the emergence of the American police as a modern force.

With the emergence of modern communications and mobility, another challenging era began for American law enforcement. Police agencies, particularly those in metropolitan areas, integrated the new technology into their operations. At the same time, new methods in selection, training, and utilization of personnel were being developed. However, while this dynamic process was in progress in the urban areas, the rural police agencies continued to fall behind.

The changing American social scene, now irrevocably transformed by technology and unalterably modified by phenomena characteristic of a nation in transition, forced state governments to seek new ways in which to meet the challenges of this new era. Because of problems in providing uniform police enforcement on a state-wide basis and due to the need for a police agency to enforce various unpopular regulations, some states developed state police agencies. Although this was a new concept for many states, the idea itself was not new. The earliest form of state police to appear in America had been the Texas Rangers who were organized in 1835. In 1865 Massachusetts had appointed a few state constables to enforce the law state-wide. However, it was not until 1905, when the Pennsylvania State Constabulary was created, that the modern state police organization made its appearance. The Pennsylvania State Constabulary was unique for its time in that the force was organized according to recognized needs rather than custom. Traditional concepts of police organization and administration known and practiced at that time were totally ignored. Every concept introduced in the organization was evaluated for its relevance and effectiveness in relation to the overall mission. The revolutionary conception of the Pennsylvania State Constabulary signaled the beginning of a new era in law enforcement.

The following years saw the emergence of state police agencies throughout the land. Presently all the states except Hawaii have their own state police or highway patrols. However, the emergence of the state police agencies has created another level of police jurisdiction superimposed on top of existing local police bodies and has introduced additional problems regarding jurisdiction and interaction with municipal police agencies.

In addition to the municipal and state police agencies in America, there are various federal police agencies. The federal police structure originated with the establishment of the Postal Inspectors whose function it was to enforce the Postal Act of 1829. Similarly the Counterfeiting Law of 1842 brought with it the Secret Service Division. In 1870 the Department of Justice was created following the avalanche of problems resulting from the Civil War. Other agencies with enforcement or investigative functions were created as the responsibilities of the federal government expanded. Although there are some instances when federal and local jurisdictions overlap, for the most part the various federal agencies are limited to specific functions, concentrating on problems that involve interstate activities or the violation of federal laws or statutes. Nevertheless, their very existence, in itself, places another police force on the American scene.

In addition to the local, state, and federal police agencies, there are also private police services and various regulatory agencies mandated by the states to perform specified functions within the scope of a particular jurisdiction or task assignment.

Since the emergence of the state police, no additional police forces have appeared on the local scene. The existing police agencies are now involved in refining their operations to reflect the increasing demands for efficiency and reduction of operational cost. But as this internal development and functional reorganization continue, the police are plagued with increasing operational costs for personnel and equipment while receiving growing pressure to reduce the ever-mounting crime rate. In attempting to meet and satisfy the public demands, the American police establishment is undergoing a reevaluation of its performance, organization, and overall approach to modern police problems. Better and more effective methods are being sought in an effort to provide the public the best police service.

## V. Status of Law Enforcement in Contemporary America

Today our police agencies are undergoing a transitional stage where their efficiency, organization, and overall performance are being scrutinized closely by the public and by police administrators. This close scrutiny has been brought on by the rising crime rate and the apparent inability of the police either to reduce it or slow it down. In addition, the cost of police enforcement, already high, has also been rising constantly. This upward spiral of cost and crime has become a source of considerable concern both to the public and to police administrators, and police operations are being analyzed to see if they can be simplified and made more effective in pursuit of their functions.

The major problem with the American police system is the lack of uniformity from locality to locality and the multiplicity of the levels of police jurisdiction. Lack of police cooperation, and in some instances direct competition, combined with the inefficiency of the smaller police jurisdictions are some of the other shortcomings of our system. These shortcomings have been recognized for some time. As early as 1931, the following statement was made about the fractionalization of the police--and their lack of coordination.

The multitude of police forces in any State and the varying standards of organization and service have contributed immeasurably to the general low grade of police performance in this country. The independence which police forces display toward each other and the absence of any central force which requires either a uniform or a minimum standard of service leave the way open for the profitable operation of criminals in an area where protection is often ineffectual at the best, generally only partial, and too frequently wholly absent.<sup>30</sup>

Although the American police structure has long been recognized as being less effective than a centrally controlled force, the Anglo-American traditions of decentralization and local autonomy are basic tenets of American political and social organization. The organic nature of the relationship between the American political philosophy and the American police structure is very aptly summarized by Chapman and St. Johnston:

Police organization in contemporary America is an expression of the democratic form of government found in the United States. Such political philosophy provides for government's organization at several levels with reluctance towards centralizing police power or authority at any level. The result finds that no town, village, or hamlet is too small to have its own police force and police organizations function at five distinct levels of government--federal, state, county, city and township.<sup>31</sup>

Today the need for effective organized coordination and cooperation between the different police agencies, levels, and jurisdictions is urgent. Means are being sought to develop some system of connections be-



tween and among the various and different levels of police jurisdiction. Steps are being taken, as the opportunity permits, to accomplish the development of this system of connections. However, some of the steps required to establish the needed cooperation and coordination border on the centralized police concept. And because of numerous political, constitutional, and historical pressures, this concept has not received very much support in the United States in the past.

## VI. Modern Philosophies Toward Centralized Law Enforcement in America

Although many other democratic countries have enjoyed the advantages of a centralized police administration and have agreed that it serves to enhance and protect the democratic form of government, Americans have resisted this trend in the past. One of the most entrenched characteristics of the American law enforcement structure has been the decentralization and fragmentation of police. However, recently some have argued that the centralization of police is not necessarily inimical to democracy, that, in fact, it can accord more harmoniously with democracy than decentralization.

The proponents of centralized police function, while agreeing on the desirability of this course of action, fail to agree as to how it is to be accomplished, which agencies are to be incorporated, or at what level the merger is to take place. At the moment, the recommendations and ideas regarding centralization in the U.S. are theoretical rather than practical. This is not to say that there is no practical data available regarding the operation and function of national police organizations. Numerous publications describing, analyzing, and evaluating the police organizations of various European nations of today and yesterday have attempted to define the benefits and shortcomings of centralized police operations

under the various forms of governments, including democracy. In addition, there is data available on the operation of centralized police agencies on a limited scale within the American political structure. All states but Hawaii<sup>32</sup> have either state police or highway patrol organizations which are miniature centralized police organizations on a state-wide basis.

It would seem logical that any centralization of the police in America would begin with the already centralized state police agencies. According to Berkley, the progress toward increased centralization will have to, and probably should, take place at the state level.<sup>33</sup> However, others recommend either regional or national centralization.

According to Chapman and St. Johnston, the present system of law enforcement tends to foster competition among police agencies. Because of this competition, many undesirable actions are committed for the purpose of attaining favorable publicity, regardless of the effect these actions might have on other police forces and regardless of whether or not they are in the self-interest of the individual police agency. Chapman and St. Johnston feel that the solution to this counterproductive situation lies in the reorganization of police jurisdictions. They recommend a regional organization with police forces amalgamated on a basis corresponding to standard metropolitan areas which might be called crime areas.<sup>34</sup>

Ahern also foresees regionalization as perhaps the ultimate step by the police in meeting their responsibility. Only by this means can police begin working on similar problems facing more than one jurisdiction. A regional effort would allow coordination and permit elimination of organized crime that previously could move from one jurisdiction to another. Furthermore, regionalization would make it possible to concentrate on traffic and patrol patterns by looking at the overall needs rather than at local requirements. Thus, a more effective and responsive force would be available to the community, and the present pattern of police failures because of inadequate financial resources or inefficient research capabilities could be broken.<sup>35</sup>

A thorough analysis of police reorganization in the direction of a centralized police system is being advocated by Dae Hong Chang. According to him, while Americans live in an organized society, the police organization is "lagging far behind" other elements of social structure like industry, business, and trade unions. In order that the social forces meet the criminal challenge, it is necessary to reexamine the total complexity of our multi-police system. This reevaluation is mandatory in order to meet the pressing crime and delinquency problems in the United States. Chang visualizes crime as a national and not as a local problem. Criminals do not recognize local, state, or national boundaries unless it is to their advantage to

do so. Under such conditions, piecemeal adaptations of police structure by local police agencies are not sufficient to meet the crime challenge. Every effort must be exerted, claims Chang, to restructure and reorganize the American police system by eliminating organizational overlapping, discrepancy, and rivalry.<sup>36</sup>

Although centralization of the American police structure has become, at least theoretically, a viable alternative to the present system, it still faces formidable opposition from many who feel that local control is ultimately the most important attribute of any law enforcement system.

August Vollmer, the Dean of American Police Chiefs, favors the control of police agencies remaining in the hands of municipal authorities. He does recognize the fact that under some circumstances local control of the police might not be a desirable condition. However, it is his opinion that local conditions would be the best indicators of what forms of control should be exercised over the police. Ultimately, the most effective structure responsive to the needs of the public should be utilized. According to Vollmer, "In the last analysis the choice between state and municipal control as a method of police administration can be made only in light of local conditions."<sup>37</sup>

Patrick V. Murphy, while endorsing the present system of law enforcement, feels that federal assistance provided to local police agencies should make requirements for improvement of the system. He feels that such controls placed on local agencies would, in fact, bring on the necessary improvements. It is his opinion that a radical upgrading of police, especially police leadership, is of prime importance. Furthermore, he agrees with the 1965 Crime Commission that eventually the consolidation of small police departments into larger, more efficient, and more effective organizations will become necessary.<sup>38</sup>

Mediating between those who propose centralization of the police at either the state, regional, or national level and those who favor the retention of the present system are those attempting to develop systems having the advantages of both centralization and local control and the disadvantages of neither.

The major problem, of course, is the concept of public control over the police agencies. In America this public control has been associated with the idea of accountability to the local government by the police. As Bruce Smith points out: Decentralization is the most striking characteristic of the American police pattern; no other part of the world has carried local autonomy in police management to such extreme lengths. Smith envisages the emergence of countywide centralized police forces that

would provide law enforcement service to all residents within their jurisdictions. According to Smith a police force centralized at the county level could retain the best parts of existing systems--efficiency due to the size and scope of its police mission and local control of police agencies due to its relatively limited sphere.<sup>39</sup>

Germann, Day, and Gallati are also in favor of changes that would permit a more efficient and less expensive police effort while remaining responsive to local autonomous governing bodies. They favor any changes that would protect the vested career interests of police officers while allowing more uniform, competent, legal, moral, and less corrupted police operations. However, they are opposed to the unitary, national police system because the "dangers inherent in the abuse of such system could well undermine the strength of American democracy which had a diffusion of governmental authority and power to the extent that governmental tyranny is always at a potential minimum."<sup>40</sup>

A new approach to the reorganization of the police establishment is suggested by Manning. He recommends a reorganization made along functional lines aimed at peace-keeping rather than law enforcement, allocation of rewards for keeping the peace rather than enforcing the law, and finally decentralization of police functions to reflect community control without diffusion of responsibility and

accountability to a central headquarters. Peace-keeping functions would be carried out from centrally located district or area centers. His approach would concentrate on peace-keeping tasks by having major emphasis placed on various units performing domestic, juvenile, and alcohol (in conjunction with detoxification centers) functions. Enforcement of law would be relegated to a felony squad and possibly a riot unit when applicable. Mainly the reorganization would tend to remove the present military structure and replace it with units established along functional lines of responsibility.<sup>41</sup>

Skolnick also visualizes a movement by the police away from the military organization model and toward a more professional "legal model." Although he does not foresee any major changes in the police structure, he does see a need in the complex world of the 1970's for considerable innovation in the areas of police-community relations and crime prevention. According to Skolnick, "Legal values of rationality, consistency, and fairness must become part of policemen's approach to the world, and police organizations must develop a tradition of inquiry into their own underlying assumptions and organizational mechanics."<sup>42</sup>

Kuykendall and Gould predict that in the coming decade pressures placed on the police agencies will result in cooperative police systems. Other than attempts of



the past, there are no accepted frameworks to guide law enforcement in the development of these new systems. According to Kuykendall and Gould, law enforcement must successfully become more efficient and more responsive to local community needs. Law enforcement should relate to the total community while applicable to all political and geographic areas.<sup>43</sup>

## VII. Conclusion

The widely differing views of police scholars and educators demonstrate clearly that there is no easy solution to the organizational problems of law enforcement agencies. Current thinking tends to lean toward a more centralized police system, but the level of centralization remains undecided. In addition, the concept of a centralized police in America continues to face vigorous opposition from the adherents of the traditional decentralized American system. Numerous and varied proposals have been made in the effort to make police activities more responsive to public demands while still functioning within the traditional police framework. In part, this irresolution has been caused by the inability of the reformers to decide, or to agree upon, the desirability of any one system. Another important factor has been a prevailing uncertainty about how the American public would react to radical change in one of its basic social agencies--the police force.

Over the years such considerations have caused the battle between the centralization and the decentralization factions to remain theoretical. However, recently this changed drastically. In Chicago, on August 27, 1974, while appearing as the keynote speaker before the Major Cities Administrators' Conference on Urban Crime, Attor-

ney General William B. Saxbe warned his audience that unless the ever-increasing crime rate is reversed, this nation will be faced with the prospect of creating a national police as a means of reversing the trend.<sup>44</sup> This pronouncement by a cabinet rank official placed the idea of a national police force in a more dramatic perspective and made the ongoing battle between the opposing sides of the centralization issue less conjectural and more immediately pertinent. Although not all of the participants agreed with Saxbe, there were police leaders from around the nation who did agree with his statement.

According to Mr. Saxbe, this nation does not have many alternatives:

The options are very limited as we face the future. If we go on as we are, there is every possibility that crime will inundate us. The nation then will be faced with the prospect of falling apart or devising a national police force in one final effort to restore domestic order.

Mr. Saxbe warned that the act of creating this force would be a "dreadful mistake" because, historically, the placement of too much power in the hands of law enforcement agencies has initiated the decline of individual freedoms. He also emphasized that "freedoms that are surrendered are never returned," contending that the American public would not be willing to allow "centralizing war on crime in the name of efficiency, while meekly accepting a national constabulary." He also pointed out that the "national

police can be used as an instrument of national repression-- as they always wind up being run by somebody else."<sup>45</sup>

In his speech Mr. Saxbe alluded to two sides of the question--on the one side the effectiveness of a central police and, on the other side, the possibility of its becoming a repressive weapon in the hands of unscrupulous officials. In addition to the possible misuse of such a police force, there is also the matter of constitutionality. These, and other problems, make this a multi-faceted issue of almost indescribable complexity. Without doubt whatever action taken will be of great significance not only to the problem of crime but also to the future of the American people and their attitude toward the police establishment.

The need for and significance of studies in the area of police reorganization or centralization is evidenced by the fact that there are, according to Wilson, 40,000 separate police agencies in the United States.<sup>46</sup> The need for further research is also indicated by the fact that preliminary, limited opinion polls have disclosed acceptance by the general public of the concept of a national police, even in the light of the dangers revealed by Saxbe.<sup>47</sup> Although this acceptance might be an over-reaction to the publicity given to the increasing crime rate, nevertheless the attitude cannot be overlooked or disregarded. Such acceptance is surprising in view of the anti-centralization

attitude reflected in the American Constitution and traditionally displayed by Americans. Constitutional limitations have placed responsibility for public safety in the hands of the states and, ultimately, in the hands of municipal governments. Traditionally the lowest level of government has been used to execute whatever tasks were deemed necessary for the maintenance of public safety. Only as a last resort, in the last fifty years, have these activities been centralized and then again at the lowest level possible. The current willingness to forsake the traditional police organizational structure suggests the extent of public dissatisfaction with the existing state of police activities and the present equivocal status of the law enforcement establishment in the minds of the American people whom it serves.

## Notes

<sup>1</sup>Will Durant, The Story of Civilization, I, Our Oriental Heritage (New York: Simon and Schuster, 1954), p. 26.

<sup>2</sup>Durant, p. 27.

<sup>3</sup>Durant, p. 54.

<sup>4</sup>Durant, p. 29.

<sup>5</sup>John Henry Wigmore, A Panorama of the World's Legal Systems (Washington: Washington Law Book Co., 1936), p. 11.

<sup>6</sup>Wigmore, p. 18.

<sup>7</sup>John Coatman, Police (London: Oxford University Press, 1959), p. 13.

<sup>8</sup>Wigmore, p. 73.

<sup>9</sup>John M. Zane, The Story of Law (Garden City: Doubleday, Doran & Co., 1927), p. 144.

<sup>10</sup>Wigmore, p. 358.

<sup>11</sup>Zane, p. 163.

<sup>12</sup>Wolfgang Kunkel, An Introduction to Roman Legal and Constitutional History (Oxford: At the Clarendon Press, 1973), p. 17.

<sup>13</sup>Kunkel, p. 127.

<sup>14</sup>Kunkel, p. 64.

<sup>15</sup>Kunkel, p. 64.

<sup>16</sup>Kunkel, p. 65.

<sup>17</sup>Kunkel, p. 69.

<sup>18</sup>Kunkel, pp. 69-70.

<sup>19</sup>Coatman, p. 16.

<sup>20</sup>Coatman, p. 16.

<sup>21</sup>Coatman, pp. 16-17.

<sup>22</sup>Coatman, p. 16.

<sup>23</sup>Coatman, pp. 19-20.

<sup>24</sup>V. A. Leonard, Police Organization and Management (Brooklyn: The Foundation Press Inc., 1951), p. 4.

<sup>25</sup>William J. Bopp and Donald O. Schultz, Principles of American Law Enforcement and Criminal Justice (Springfield: Charles C. Thomas, 1972), p. 14.

<sup>26</sup>Bopp and Schultz, p. 14.

<sup>27</sup>Raymond E. Clift, A Guide to Modern Police Thinking (Cincinnati: The W. H. Anderson Co., 1965), p. 12.

<sup>28</sup>Simeon L. Guterman, From Personal to Territorial Law (Metuchen: The Scarecrow Press, Inc., 1972), p. 48.

<sup>29</sup>Bopp and Schultz, p. 17.

<sup>30</sup>National Commission on Law Observance and Enforcement, Report on the Police (Washington: U. S. Government Printing Office, 1931), p. 125.

<sup>31</sup>Samuel G. Chapman and Colonel T. Eric St. Johnston, The Police Heritage in England and America (East Lansing: Michigan State Press, 1962), p. 30.

<sup>32</sup>President's Commission on Law and Administrative Justice, Task Force Report: The Police (Washington: U. S. Government Printing Office, 1967), p. 42.

<sup>33</sup>Berkley, p. 72.

<sup>34</sup>Chapman and St. Johnston, p. 42.

<sup>35</sup>James F. Ahern, "Rebuilding Our Police Departments," Police and Law Enforcement 1972, eds. James T. Curran, Austin Fowler, and Richard H. Ward (New York: AMS Press, Inc., 1973). p. 407.

<sup>36</sup>Dae Hong Chang, "Police Reorganization as a Deterrent to Crime," Police (March-April 1968), pp. 73-79.

<sup>37</sup>August Vollmer, John P. Peper, and Frank M. Boolsen, Police Organization and Administration (Sacramento: California State Department of Education, 1951), p. 17.

<sup>38</sup>Patrick V. Murphy, "The Criminal Justice System in Crisis," Police and Law Enforcement 1972, eds. James T. Curran, Austin Fowler, and Richard H. Ward (New York: AMS Press Inc., 1973), p. 16.

<sup>39</sup>Bruce Smith, Police Systems in the United States (New York: Harper Brothers, Publishers, 1960), p. 301.

<sup>40</sup>A. C. Germann, Frank D. Day, and Robert R. J. Galati, Introduction to Law Enforcement and Criminal Justice (Springfield: Charles C. Thomas, 1968), p. 154.

<sup>41</sup>Peter K. Manning, "The Police: Mandate, Strategies, and Appearances," Crime and Justice in American Society, ed. Jack D. Douglas (Indianapolis: The Bobbs-Merrill Co., Inc., 1971), p. 192.

<sup>42</sup>Jerome N. Skolnick, "Professional Police in a Free Society," Police and Law Enforcement 1972, eds. James T. Curran, Austin Fowler, and Richard H. Ward (New York: AMS Press, Inc., 1973), p. 74.



<sup>43</sup>Jack Kuykendall and James V. Gould, "Cooperative Police Services: A Study Design," Police (May 1972), pp. 40-47.

<sup>44</sup>William B. Saxbe, Attorney General of the United States at Major Cities Chief Administrator's Conference on Urban Crime at Chicago, Illinois.

<sup>45</sup>"Justice Chief Says Crime Invites U. S. Police Force," The Arizona Republic, August 28, 1974, p. 1, col. 7.

<sup>46</sup>O. W. Wilson, Police Administration (New York: McGraw-Hill Book Co., 1963), p. 115.

<sup>47</sup>Keven Phillips, "Growing Public Support Shown for a National Police Force," The Arizona Republic, September 24, 1974.

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