

Criminal Justice | Section 4.1: Early History of Policing

Criminal Justice

An Overview of the System

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The legal system of the United States traces its roots back to the common law of England. The enforcement of those ancient laws was the responsibility of a criminal justice system that grew and evolved over a protracted period. The protections against the abuse of police power that Americans enjoy today have their roots in English constitutional documents such as the *Magna Carta*. Legally limited police authority and a decentralized organizational structure are two of the most important features of modern American policing attributable to its English colonial past.

Ancient Policing

Historians and anthropologists regard the earliest system of law enforcement as **kin policing**. In this primitive system, members of a clan or tribe banded together to enforce the rules of the group on rogue members. The essence of kin policing was the idea that an attack on one member of the group was tantamount to an attack on the entire group. Note that this method was extremely informal: there were no courts or written system of laws. Behavioral expectations were derived from group norms and customs.

When formal, written laws emerged, the need to enforce those laws emerged concurrently. King Hammurabi of Babylon is credited with the first written criminal code. The **Code of Hammurabi** was carved in large stones in the tenth century B.C. The codes of ancient Greece and Rome have had an influence on Western law, as has the **Mosaic Code**.

Among the earliest documented Western systems of law and law enforcement was the **mutual pledge system**. The mutual pledge system consisted of groups of ten families bound to uphold the law, bring violators to court, and keep the peace. These groups of ten families were known as **tithings**. Each tithing was governed by

a **tithingman**. All men over the age of twelve were required to raise the **hue and cry** when a crime was detected, and pursue the criminal with all of the men of the tithing. A group of ten tithings was called the **hundred**, and the office of constable developed out of this organizational unit. If a criminal could not be produced in court, then the Crown could fine the entire hundred. In other words, every man was responsible for the conduct of every other man.

Hundreds were combined into administrative units known as **Shires** (or Counties), under the jurisdiction of the shire-reeve. The shire-reeve, whose job it was to maintain the King's peace in the Shire, was later shortened to the modern term **sheriff**. The sheriff has the power to raise all able-bodied men in the county to pursue a criminal. This power was known by the Latin phrase *posse comitatus*.

In 1066, the Normans invaded England and seized the throne. The Norman King, William the Conqueror, quickly modified the mutual pledge system to aid in the consolidation of his power. The modified system-known as the **frankpledge system**-was a tightening of the system then Normans found in place.

By the end of the thirteenth century, the constable system had developed into the system of rural law enforcement common to all of England. The office of constable was filled by yearly elections within each parish (a religious division similar to a County). The constable had the same responsibility as the tithingman, with the additional duties of being a royal officer. In urban areas, the **watch and ward** system developed along similar lines. Officers of the watch would guard the town gates at night, conduct patrols to prevent burglary, arrest strangers appearing at night, and put out fires. By the 1361 A.D., the old system had given way to constables working under justices of the peace. This system would remain in place until the industrial revolution.

Colonial America

When the early colonists set up a system of laws and law enforcement in America, they brought the common law system of England with them. In this early system, the county sheriff was the most important law enforcement official. The duties of the sheriff in those times were far more expansive than they are today. Then the sheriff collected taxes, supervised elections, and so forth. As far as law enforcement goes, the role of the sheriff in colonial America was completely reactive. If a citizen complained, the sheriff would investigate the matter. If evidence could be collected, an arrest would be made. There were no preventive efforts, and preventive patrol was not conducted.

The Rise of Modern Policing

The United States has followed a different path than many other countries. Whereas many western nations have national police forces, the United States is still very fragmented. Policing is done mostly on the local level. One term for this **decentralized**. While there are some rather abstract political advantages to a decentralized system of law enforcement, it is not without cost. Many critics call for the **amalgamation** and centralization of police forces, citing a wide variety of reasons such as preventing wasted effort and wasted resources. The decentralized nature of modern American policing stems from its roots in the English past.

In 1829, Home Secretary Robert Peel convinced the Parliament in England to pass the Metropolitan Police Act. The primary purpose of the Act was to do away with the ineffectual patchwork of policing measures then practiced in London, and establish an around the clock, uniformed police force charged with preventing disorder and crime. Peel is credited with many innovations that became standard police practice around the world. A major shift was an effort at crime prevention rather than “raising the hue and cry” after a crime was committed. In other words, the focus of policing efforts shifted from **reactive** to **proactive**. This shift meant that the new police force was tasked with preventing crime before it occurred rather than responding to it after the fact. A key element of this proactive strategy was **preventive patrol**. Police constables became known as “Bobbies” after Robert Peel. The city of London was divided up into **beats**, and the Bobbies were ordered to patrol their beats on foot. The idea was that the presence of these uniformed officers on the streets would deter crime.

The militaristic nature of most modern police forces was also one of Peel’s innovations. He used a military-style organizational structure, complete with ranks like sergeant, lieutenant, and captain. While commonplace now, military-style uniforms were an innovation. Command and discipline were also conducted along military lines.

It was not long before the value of such police forces was noted by America’s largest cities and the idea was selectively imported. The main element of the British model that Americans rejected was the **nationalization** of police services. Americans at the time were still fearful of strong central authority and elected to establish police forces on a local level. While arguably more democratic, decentralized police forces organized on the local level were not nearly as well insulated from local politics as their British counterparts. Political leaders were able to exert a large amount of influence over police hiring, policymaking, and field practices.

There is some debate amongst the concerned departments as to whether Boston or New York City was the first modern police force in the United States. Boston’s day watch was established in 1838, and many credit this as the first modern police force. New York City formed its police force in 1844. Most other large cities soon followed suit, and full-time, salaried officers became the norm.

Early Problems with Police

As previously mentioned, early police forces were highly political. Graft and corruption were rampant. Police ranks were filled with officers of particular ethnic groups to garner votes for particular politicians. Criminals paying off the police to ignore vice crimes was also common. Policing was more about political advantage than protecting public safety in many neighborhoods. Efforts to eliminate corruption were doomed from the start because the very politicians that had the power to end it benefited from it. This period from approximately 1940 to 1920 has become known as the **political era** of policing due to these political ties.

The Reform Era

The end of the 19th century saw progressive thinkers attempt to reform the police. Progressivism was a broadly focused political and social movement of the day, and the

police were swept up in this wave of progress, improvement, and reform. The status quo of policing would not withstand its momentum. A primary objective of the police reformers of this era was to reduce substantially the power of local politicians over the police.

An important reform was the institution of **civil service**. The aim of civil service was to make selection and promotion decisions based on merit and testing rather than by the corrupt system of political patronage of the previous era. Within police circles, the progressive movement spawned an interest in the professionalization of policing. Model professional police departments would be highly efficient, separated from political influence, and staffed by experts.

One of the most notable police reformers and champions of police professionalism was the Chief of police in Berkeley, California from 1909 to 1932. August Vollmer defined police professionalism in terms of effective crime control, educated officers, and nonpolitical public service. Like Peel a generation before, Vollmer is known for many firsts in policing. He was the first to develop an academic degree program in law enforcement in an era long before the establishment of criminal justice as a field of study in American universities. His agency was among the first to use forensic science to aid investigations, and among the first to use automobiles. His agency was among the first to establish a code of ethics, which prohibited the acceptance of gratuities and favors by officers.

One of Vollmer's students, O. W. Wilson is known for introducing the concepts of scientific management into policing and increasing efficiency. Wilson was one of the first police administrators to advocate single-officer patrols. Later in his career, he became a professor at the University of California at Berkeley and was known as America's foremost expert on police administration.

Key Terms

Amalgamation, August Vollmer, Beat, Civil Service, Code of Hammurabi, Decentralized, Frankpledge System, Hue and Cry, Hundred, Kin Policing, Magna Carta, Mosaic Code, Mutual Pledge System, Nationalization, O. W. Wilson, Parish, Political Era, Posse Comitatus, Preventive Patrol, Proactive, Reactive, Reform Era, Sheriff, Shire, Shire-reeve, Tithing, Tithingman, Watch and Ward