



Section 4.1: Early History of Policing



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English Origins

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.

English Heritage

The protections against the abuse of police power that Americans enjoy today have their roots in English constitutional documents such as the Magna Carta.

Important features of modern American policing attributable to its English colonial past:

1. Legally limited police authority
2. Decentralized organizational structure

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.

Formal v. Informal

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.

Ancient Codes

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.

The Mutual Pledge System

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.

How The System Worked

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.

The Shire-Reeve

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.

The Constable System

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.

Urban Policing

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.

Many Hats

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.

Decentralization

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.

The Met

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's Innovations

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.

Preventive Patrol

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.

Military Character

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.

Why We Didn't Nationalize

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.

Policing in America

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.

The Political Era

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.

Civil Service

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.