

CHAPTER 2: THE HISTORY OF LAW ENFORCEMENT IN THE UNITED STATES

LECTURE NOTES

Introduction

- The entities that comprise modern law enforcement are the products of change.
- Law enforcement in the United States is composed of hundreds of different departments, agencies and organizations operating on the local, Tribal, state, federal and private areas of our society.
- To better understand the profession of today, it is important to examine the historical foundations of the discipline.

The British Heritage, Colonial America and the First Generation of Law Enforcement in the United

States

- Much of the historical foundations for law enforcement in the United States are drawn from the British.
- Drawn from the terms shire reeve, the sheriff was a strong, traditionally British law enforcement official and was easily adopted into North America.
- The duties of the sheriff in the English Colonies included the collection of taxes and fees owed the governor.
- Today, the position of sheriff is common across the nation, with an estimated 3,500 individuals serving in that position.
- Though drawn from the French, the constable is similar to the sheriff in many respects.
- As a town constable, he was responsible for guarding the town by day, apprehending drunks, disorderly persons, and vagrants, catching criminals, and commanding the watch. Additionally, many communities expected the constable to be responsible for items affecting the health and

well-being of the citizens including duties such as monitoring and reporting the condition of the streets, sidewalks, and privies.

- Most of the towns and small communities in America relied on some form of day or night watch to provide security.
- Town after town set up a night watch system and frequently staffed the watch with citizens who often served on a nonpaid basis.
- In some communities, it was common for a court to sentence a man guilty of a minor misdemeanor to be a watchman as punishment.
- Until the twentieth century, many officers would earn many times more money through graft and corruption than from their salaries.
- Stepping forward to enact change was the Home Secretary of England, Sir Robert Peel.
- The foundation for Peel's vision of a professional police service for England was established with the enactment of the Metropolitan Police Act of 1829.
- Peel visualized professional police forces across the cities of England, who were professional, well trained and accountable for its actions.
- By September 1829, the new officers, called by the public 'Bobbies' or 'Peelers,' were on the streets.
- The early years of the new force were difficult, but the force proved to be the foundation of the modern police force in Britain and the United States.

Boston, Philadelphia, New York and the Birth of Urban Policing

- Many of the issues that led to London creating a full-time police department were the same issues that would lead the growing cities in the United States to also establish urban policing structured along the British Model visualized by Peel.

- In 1801 Boston became the first city in the United States to require by statute the establishment and maintenance of a permanent night watch.
- In Philadelphia, the terms of the estate of Stephen Girard required the city to introduce some form of policing. On December 26, 1833, a formal, 24-hour policing came into existence when Philadelphia adopted its day watch and a night watch.
- Though other cities experimented with changes, it was New York City that earned the distinction of organizing the first modern police department designed along the lines of the Peel's London police.
 - The command structure of the police force was often staffed by individuals who owed their rank and assignment to the politicians.
 - Graft and corruption formed a partnership.
- During the early 1850s, American urban police officials were addressing the issue of placing the police in uniforms and arming them.
 - Urban police officers began joining the ranks of rural officers, sheriffs, and United States Marshals who had carried guns since their earliest days.
- Urban departments began limited use of various transportation methods including the purchase of horses and wagons to fulfill the transportation needs of the police departments.
- In 1857 John A. Kennedy, an innovator with outstanding foresight, became the head of the New York City Police.
 - He held this position for ten years and recognized the value of the technological developments of the period.
- In New York, the efforts to expose police corruption led to the Lexow Commission, which uncovered within the police department extensive corruption and brutality.

- While cities were struggling with the impact of corruption, efforts were in process to establish a foundation of law enforcement professionalism in 1893 when police chiefs assembled in Chicago to form the National Chiefs of Police Union, primarily to apprehend and return wanted persons who flee local jurisdictions. Soon the Union would be renamed the International Association of Chiefs of Police.

State Level Law Enforcement

- The development of law enforcement on the state level was a slow process. The sheriff on the county level, the constable, town marshal and later city police fulfilled most law enforcement needs.
- The first attempt at state level law and order dates back to the Revolutionary War. The Virginia Assembly dispatched elements of its own militia through the Cumberland Gap into its frontier counties west of the Appalachians, an area known as "Kantuckee."
- As state enforcement organizations emerged, two distinct patterns developed: A rural model and an urban model.
 - A rural model is a reflection of a loosely controlled organization, such as the Texas Rangers.
 - An urban model, as characterized by the Pennsylvania state police, was based upon a formal military structure, developed later into the traditional state police/highway patrol model.
- The Texas Rangers are recognized as the first state-level law enforcement organization in the United States.

- In 1823, Stephen F. Austin commissioned ten men to "range about," discouraging Indian raids, marauders, dealing with outlaws, settling disputes through the administration of "seat-of-the-pants" "on-the-scene" justice.
 - In 1835, the provisional government of Texas placed three Ranger companies under the command of R. M. Williamson.
 - After the War Between the States, Texas abolished the Rangers and replaced them with a State Police.
 - The Texas State Police unfortunately proved ineffective and were disbanded, only to be replaced by the reestablishment of the Texas Rangers.
- On May 16, 1865, Massachusetts Governor John A. Andrews created a "State Constabulary," which was empowered with statewide police powers to suppress commercialized vice and was controversial when established.
 - The department later became part of the Department of Public Safety in 1919.
- In 1887, California created the State Capital Police and tasked them with providing security on state property.
- In 1903, Connecticut set up a small state force, assuming the duties formerly exercised by the Law and Order League, a quasi-public organization.
 - After many changes, the Connecticut force became a state detective force operating under the control of an administrative board, until the extensive reorganization of 1920.
- Though states were experimenting with various state-level law enforcement models, it would be Pennsylvania that would establish the first true urban state police force.
- World War II affected state enforcement organizations. The loss of personnel from the state organizations forced many enforcement organizations to operate below authorized strength levels.

- With the conclusion of World War II, thousands of veterans returned to civilian life with an interest in law enforcement after exposure to military police or shore patrol duty.
- By 1950, 36 states had established state police organizations with full law enforcement authority and twelve established state agencies with authority restricted to enforcement of traffic laws or to crimes committed on state highways.
- Many states created new agencies to fill the void existing between comprehensive state and local enforcement including investigative agencies, wildlife enforcement, medical examiner resources, criminal laboratories, alcohol and drug enforcement agencies, investigative divisions within attorney general offices and numerous other enforcement and regulatory organizations within the states.
- State enforcement agencies took the lead in the advancement of highway safety related issues.

Federal Enforcement

- Article III, Section 1 of the Constitution provided the authority for the creation of the United States Supreme Court and all lesser courts deemed necessary, but this clause of the Constitution did not set guidelines for the organization or structure of the Court.
- Treason and counterfeiting were addressed in the Constitution, but no provisions existed for the enforcement of federal laws or for the creation of federal enforcement agencies.
- The first criminal statute enacted by Congress on April 30, 1790, defined treason and made provision for its punishment.
- It also defined and prescribed the penalty for murder in a fort, arsenal, dockyard or any place under the jurisdiction of the United States.
 - Penalty for each offense was death by hanging.

- Soon after the adoption of the United States Constitution, the United States Marshals were created under the authority of the Judiciary Act of 1789.
- Recognizing the need of a force to enforce customs laws in the ports and along the coast, the federal government created the Revenue Marine Service under the authority of the Tariff Act of 1790.
 - The Revenue Marine, which would eventually evolve into the United States Coast Guard, served as the nation's naval force until the reestablishment of the United States Navy in 1798.
- The United States Marshals Service and the Revenue Marine Service gave the federal government limited ability to exert its will without calling upon the military.
- With the establishment of the United States Secret Service in 1865, the government now had an agency in addition to the United States Marshals to enforce the growing list of federal crimes.
 - With the assassination of President McKinley in 1901, the Secret Service assumed the responsibility of the protection of the President.
- Political controversies including the successful investigation, prosecution and conviction of several influential politicians, lead to a restriction on the Secret Service's ability to conduct wide ranging investigations. This restriction lead in 1908 to the creation of what would become the Federal Bureau of Investigation.
- Over the next several decades, federal enforcement would expand with the creation of a wide range of agencies with law enforcement, regulatory or administrative support responsibilities such as the Federal Bureau of Narcotics, Federal Bureau of Prohibition, the Drug Enforcement Administration, United States Border Patrol, Naval Criminal Investigative Service, Federal Emergency Management Agency and the Transportation Security Administration just to name a few of the agencies.

Private Security and Enforcement

- Driven by profit and linked to cost effective service, the private security organizations filled a wide void created by inefficient public enforcement.
- During the nineteenth century, the void existing between law enforcement capabilities and community-related law enforcement needs were soon filled by an emerging private security industry.
- The most famous and efficient private agency of the era was the internationally renowned "Pinkertons," founded by Allan Pinkerton as the Pinkerton National Detective Agency in Chicago in 1851.
 - Found success in the John Craig case.
 - The "Pinkertons" became the premier national "enforcement organization" of their time, possessing greater capabilities than any federal, state or local law enforcement agency.
 - By the end of the 20th century, the enterprise founded a century and a half earlier had become a subsidiary of a large Swedish corporation called Securitas.
- In 1909, the William J. Burns Detective Agency was formed in New York City and would soon challenge the Pinkertons for industry domination.
 - Reflecting its rapid growth, in 1913, the agency changed its name to the Burns International Detective Agency.
 - By the time of Burn's death in 1932, the Burns Detective Agency would be the second largest agency of its type in the United States.
- Typically, private enforcement can be categorized as contract forces or in-house forces.
 - Contract forces are available for a fee to provide their services.

- In-house services may include retail loss prevention or corporate protection.
- Today, the United States has more than 10,000 private security companies that bring in revenue of more than \$15 billion each year.

Breaking Barriers

- Sexual and ethnic barriers had long limited or eliminated the opportunities for individuals other than a Caucasian male to get a job in a law enforcement agency.
- Lola Baldwin was the first woman to have police powers in the United States when she served in Portland, Oregon in 1905.
- The first woman awarded the title of policewoman in the United States was Alice Stebbins Wells when Los Angeles appointed her to that position on September 13, 1910.
- Slowly, cities added women to their police forces. By 1915, 16 cities in the United States employed at least one policewoman on a full-time basis.
- The typical salary of a policewoman was between \$800 and \$1200 per year, much less than their male counterpart.
- World War I provided an unexpected boom to the movement for the adoption of women into enforcement positions. The mobilization effort for the war drew men from all career areas.
- In 1919, Indianapolis created a Bureau of Policewomen.
- In 1920, the New York State Legislature officially set up the position of policewoman in New York City.
- Following shortly was the creation of a Bureau of Women, under the direction of Mary Hamilton.
 - The policewomen received patrol duty, though most often in plain clothes rather than uniform.

- Most frequently, the female officers were assigned to look after runaway, truant, and delinquent children and to check amusement parks, dance halls and disorderly houses.

Early Advancements in Science, Investigations and Technology

- With limited technology in the 1920s, the police officer depended on his knowledge of the people of the neighborhood to solve crimes.
 - Law enforcement typically relied upon horses for transportation.
 - Many sources suggest the first use of an automobile in police service in the United States occurred in Akron, Ohio in 1899 when an electric car patrolled the streets of the city.
 - Berkeley, California, under the leadership of Chief August Vollmer, used bicycles, motorcycles and automobiles during the first two decades of the twentieth century.
- Departments experimented with communications systems.
 - Early night watches and police officers discovered a distinctive sound could occur when the police baton struck the bricks in the street.
 - Whistles
 - Call box
 - From the early 1900s, visionaries sought ways to incorporate radio communications into law enforcement.

Law Enforcement in the First Half of the Twentieth Century

- For those in rural America, the sheriff continued to play the role of the primary law enforcer.
- It was very difficult for the officers who wanted to advance by merit to do so.

- On the national level, federal law enforcement would experience a century marked by expansion.
- Two of the most influential leaders in the profession were:
 - Washington, D.C., Police Chief Richard H. Sylvester (1860 - 1930)
 - Third President of the International Association of Chiefs of Police
 - And, Berkeley, California, Police Chief August Vollmer (1876 - 1955).
 - Under Vollmer's leadership, advancements occurred in officer recruitment, training, education and accountability.
 - Vollmer introduced many innovations in Berkeley as well as LAPD
- By the 1920s, many cities were continuing their struggles with urban corruption, made even more complex with the dynamics of prohibition.
 - In 1920, the United States adopted prohibition of alcohol as the law of the land.
 - The United States experienced criminal activity that overwhelmed the ability of law enforcement to respond.
- Many leaders influenced law enforcement at that time: Smedley Darlington Butler, Lewis J. Valentine, Stephen O'Meara
- The 1920s and 30s introduced gangsters and "Tommy guns." It was a period of growth in organized crime, a wave of violence including bank robbery, drug abuse, kidnapping and motor vehicle theft.
- The 1920s and 1930s were a period in which most states created their state police or highway patrols.
- On the federal level, leaders emerged. J. Edgar Hoover (1895 - 1972) of the Federal Bureau of Investigation, Harry Anslinger (1892 - 1975) of the Federal Bureau of Narcotics and Frank J.

Wilson (1887 - 1970) of the United States Secret Service each led their agencies into this period of expanded enforcement

- The most notable and remembered examination of crime and the justice system of this period was the National Commission on Law Observance and Enforcement.
 - The Wickersham Commission examined the important national justice issues
 - It addressed the national problems and proposed broadly applicable solutions to these problems.

Law Enforcement in the Second Half of the Twentieth Century

- The Red Scare of the McCarthy Era of the 1950s, the Civil Rights Movement, the national unrest resulting from the conflict in Vietnam, the drug revolution, urban unrest of the 1980s, cyber and financial crimes and finally the impact of terrorism shaped the second half of the twentieth century.
- Leaders like J. Edgar Hoover, Orlando Wilson and William Parker shaped the discipline.
- In the 1960s, the President's Commission on Law Enforcement and the Administration of Justice found great needs in the profession including the need for increased resources qualified applicants, increased equipment, supplies and research to discover more effective approaches to the administration of justice.
- In 1968, Congress passed the Omnibus Crime Control and Safe Streets Act as a result of intensifying public concern about the ability of state and local criminal justice agencies to cope with soaring crime rates
- The Act created the Law Enforcement Assistance Administration (LEAA) as the principal federal agency dealing with the problem of crime at the state and local levels. LEAA intended to function in five ways:

- (1) to support state-wide planning in the field of criminal justice through the creation of state planning agencies;
- (2) to supply the states and localities with block grants of federal funds to improve their criminal justice systems;
- (3) to make discretionary grants to special programs in the field of criminal justice;
- (4) to develop new devices, techniques, and approaches in law enforcement through the National Institute of Law Enforcement and Criminal Justice, the organization's research arm; and
- (5) to supply money for the training and education of criminal justice personnel
 - Critics accused the administration of waste and mismanagement
 - In spite of the waste, law enforcement agencies benefited in countless ways
- Before the Law Enforcement Assistance Administration, a movement began on the state level to establish minimum training standards for officers
 - Police officer standards and training (POST) legislation was enacted in 1959
 - By 1985, all states had established minimum training hour requirements.
 - Specialized training and innovation in operations captured the imagination of law enforcement administrators.
 - Special Weapons and Tactics teams
- By the 1990s, American policing little resembled the law enforcement of the 1960s.
 - Project Sky Knight 1966
 - Anti-Terrorist Division and the Los Angeles Task Force on Terrorism 1983
- Experimentation in policing styles led to experiments in preventive patrol, directed patrol, aggressive patrol, team policing and community policing
 - The Kansas City Preventive Patrol Experiment

- In the 1960s and 1970s, violence shook many cities as urban unrest exploded into riots as people responded to civil rights and the conflict in Vietnam.
 - Law enforcement resources were overwhelmed and military assistance was called to reestablish order
 - Some cities experienced scandals pertaining to corruption or abuse of power in the law enforcement ranks.
- By 2000, technology, diversity, science, training, education and the challenges of global crime redefined law enforcement and public safety.
 - Demands for services strained budgets.
 - Aggressive enforcement and prosecution resulted in an explosion in the inmate population
 - The demand for drugs fueled global violence, especially in Mexico.
 - The Global War on Terrorism also reduced agency isolationism.

Law Enforcement and The U.S. Military

- Military also has a need for policing
- Modern military policing matured from humble beginnings during the American Revolution.
- The concept of American military policing originates with the notions of the Marechaussee Corps.
 - This organization was authorized by Congress on May 27, 1778, and was “assigned by General George Washington to perform those necessary police functions required in camp and in the field.”

- The first organization of American military police consisted of “1 captain, 4 lieutenants, 1 clerk, 1 quartermaster sergeant, 2 trumpeters, 2 sergeants, 5 corporals, 43 provosts, and 4 executioners.
- General Washington appointed Captain Bartholomew Von Heer as the provost marshal of the Continental Army and commander of the Marechaussee Corps.
 - Performed tasks of patrolling the encampment and “its vicinity in order to detain fugitives and arrest rioters and thieves.”
 - During periods of combat, the unit was patrolled “behind the Army's so-called second line where it would secure the rear by rounding up stragglers and preventing desertions.”
 - The Marechaussee Corps also supplemented logistical function through the supervising of “relations with the sutlers, the merchants who supplied the Army,”
 - It also was responsible for the “collection, security, and movement of prisoners of war.”
- Until the outbreak of the War Between the States , commanders often appointed and “detailed certain officers and men to perform similar functions” which were indicative of military police duties.
- The U.S. military was often relied upon as a provider of law, order, and discipline throughout the Manifest Destiny
- The War Between the States necessitated the organizing of military police
 - Brigadier General Irvin McDowell, a Union field commander, instituted organized policing among Union force.

- This instituting of military police was a measure to diminish instances of both marauding and property destruction, and to arrest offenders within the military.
- Problems persisted between the ranks of soldiers and the citizenry of Washington, D.C.
 - General McClellan tasked Colonel Andrew Porter with keeping military personnel within their camps unless they were provided a “special pass.”
 - Colonel Porter oversaw approximately 1,000 personnel, and was responsible for the suppression of “gambling, marauding, and looting in the capital area and to intercept stragglers and fugitives from nearby Army units.”
- The Office of the Provost Marshal General of the Army was created by the U.S. Congress on March 3, 1863
 - Colonel James Fry was tasked with “overseeing the administration and enforcement of military recruitment and conscription along with a number of other quasi-military police duties associated with the war effort.”
 - During 1866, with the conclusion of the War Between the States, the Office of Provost Marshal General was dissolved.
- During 1863, the U.S. Congress also created and authorized the Invalid Corps.
 - This organization was comprised of soldiers who were deemed unfit for service among the front lines of battle.
 - The duties of this organization included tasks as provost guards, prisoner escorts, and railroad guards.
- It was not until World War I that any significant investment was given to the establishing of a permanent military police organization occurred within the military.
 - The increase of American forces necessitated a greater quantity of military police personnel and services

- During October, 1917, the establishment of the Military Police Corps occurred.
 - This organization performed a variety of policing tasks including security and escort services for prisoners-of-war, logistics security, and supply operations.
- During 1918, General John Pershing authorized the “Provost Marshal General of his American Expeditionary Forces to organize a criminal investigation division within the Military Police Corps for the purpose of detecting and preventing crimes within the territory occupied by the American Expeditionary Forces.”
 - This investigation division became the Criminal Investigation Division (CID).
 - The CID was first led by an officer who “served as the CID advisor to the Provost Marshal General on all matters (administrative and technical) pertinent to criminal investigation.”
 - The personnel of the CID unit performed as detectives when investigating crime or suspected crime.
 - Although the CID demonstrated some amount of effectiveness, it never reached its full potential during World War I
- On October 15, 1918, the U.S. Congress officially authorized the establishment of the Military Police Corps, but rejected the concept of a permanent organization.
- During 1920, within the National Defense Act, Congress ratified the “permanent organization of military police units.”
- The Military Police Service School was created at Arlington Cantonment, Fort Myer, Virginia on December 19, 1941.
 - Again, a military police organization was instituted to maintain order, to “watch over new soldiers entering the military,” performed security tasks regarding prisoners-of-

war, performed combat operations, and provided security for logistics and supply operations.

- The new structuring of military police included “three new battalions and four separate companies of military police from already existing assets.”
- The Corps of Military Police commenced with approximately 2,000 personnel, and manifested approximately 200,000 personnel before the conclusion of World War II.
- The endangerments of subversion and hostile aliens could not be ignored during World War II
- Around the United States, a variety of ports, factories, rivers, naval yards, and segments of the oil industry were significant resources for the prosecution of war.
 - These resources were susceptible to the threats of saboteurs or direct attacks.
 - The continental United States was designated as the Zone of Interior (ZI).
 - A total of 51 military police battalions were created to service the ZI land mass.
 - They were tasked with roles as “mobile defense forces that would respond to civil disturbances (such as riots and labor strikes) which would hamper the war industry,” and were tasked with protecting national infrastructure.
 - Within the ZI, military police units were responsible for protecting the following assets:
 - Telegraph and telephone lines.
 - Wharves and docks.
 - Important bridges.
 - Government plants.
 - Storage depots.
 - Terminals.
 - Government agencies.

- Transportation facilities.
 - Trains and railroads.
 - Prisoners-of-War
 - Manufacturing resources
- The termination of World War II witnessed the stationing of American military police units among conquered territories.
 - These units served to enforce law, to maintain order, and to prevent the formation of militant and new military groups.
- Two unintended results of World War II impacted American law enforcement:
 - The law enforcement profession experienced an influx of war veterans that had served as military police during the war or became interested in law enforcement as a career after their military discharge.
 - Many thousands of former service personnel used the GI Bill to attend college after the war and then decided to enter the law enforcement profession upon graduation.
- The Korean War again necessitated the services of military police units.
 - The economic conditions of Korean facilitated a thriving black market, and the responsibilities of controlling and eradicating these activities were tasked to the military police.
 - The military police also rendered valuable services behind the lines of the United Nations.
 - Military police units were strongly utilized among prisoner-of-war camps
 - Various military police units have served near the demilitarized zone, between North and South Korea, for over half of a century.
- Military police units also provided significant services during the Vietnam War.

- Along with the expected acts of policing, military police units also performed duties as “tunnel rats and patrolled the jungles and villages and engaged the enemy in firefights.”
- They secured highways and bridges against both local subversives and North Vietnamese regulars;” “supervised the movement of refugees and the control of political detainees;” and “became frontline fighters during the successful effort to repel the North Vietnamese during the Tet offensive in 1968.”
- During the period between the Vietnam War and the Gulf War, military police units experienced a variety of endeavors.
 - Such events included the operations in Grenada; providing security for the Olympic Games in Seoul, Korea; serving during the aftermath of Hurricane Hugo; and serving in Panama during the years of 1989 and 1990.
 - During the Gulf War, female soldiers were utilized “in harm’s way performing a variety of military occupational specialties such as transportation and military police.”
 - Thousands of prisoners were processed by military police units during the Gulf War, and military police units also facilitated combat support operations.
- The events of September 11, 2001 drastically impacted American society, and mobilized the nation against a formidable enemy whose characteristics were unlike those of the previous wars.
 - Domestic functions include “defense support to civilian authorities” through the provision of a quick reaction force (QAF) that is capable of responding to emergencies.
 - Overseas functions include “the training of fledgling Iraqi Police force.”

Landmark Cases

- The 14th Amendment served as the cornerstone for criminal defendant protections such as the 1961 Mapp case restricting warrantless searches and the 1966 Miranda decision giving suspects the right to remain silent and the right to legal aid.
- Miranda v. Arizona
- Terry v. Ohio
- Chimel v. California
- Tennessee v. Garner

Post 9/11: The Explosion of Homeland Security

- In the wake of the attacks upon Oklahoma City, New York, and Washington, D.C. and the impact of Hurricanes, such as Katrina, the roles of law enforcement and the collective body of first responders were redefined.
- The formation of the Department of Homeland Security, the continued struggle against drug production, trafficking and abuse, the Global War on Terrorism, the debate over illegal immigration, collection, processing and distribution of intelligence, border security issues and the violence linked to it has led to the realization that the service demands of our nation upon law enforcement had radically redefined themselves.
- Homeland security is a paramount concern of the United States.
- The events of September 11, 2001 necessitate the involvement of both civilian and military police forces to facilitate the safety and security of the American populace.
- At the end of the 2009 year, approximately 900 police officers were “serving alongside their Marine Military Police counterparts at Marine Corps Installation Provost Marshal Offices across the United States.”
- Homeland security requires much collaboration among law enforcement entities. Cooperation is imperative to protect American society.

- Through collaboration, law enforcement entities increased their ability to improve the efficiency and effectiveness of the investigation.