

How U.S. 'police culture' sees a public trust

(EDITOR'S NOTE: This is the 10th of 15 articles on crime and justice in America. The series was written for *Causes* by Newspaper, an extension program of the University of California, San Diego, and is the textbook for an Oakland University course taught by Prof. Jesse Pitts.)

By JEROME H. SKOLNICK

Police are often regarded as the thin blue line between anarchy and order—and there is some truth to that notion. Whenever police services have been removed from a city—as when police strikes—crime has risen, although not always by as much as expected. Still, it has risen enough to make most citizens uncomfortable.

There is no question that police perform an essential public service. Yet the first formal police department in the Anglo-American countries was not instituted until 1829, in London.

ENGLAND HAD sorely needed a major police force for three-quarters of a century.

The industrial revolution had encouraged migration to the cities. Unemployment and economic hardships following the Napoleonic wars led to widespread riots and protests over the climbing price of food. And the rise in urban crime reduced safety in streets and homes.

"Society," wrote one historian of the period, "was in violent transition."

Still, most Englishmen, from Tories through Radicals, expressed greater fear of police than of crime and riots.



New York Mayor John V. Lindsay and Police Commissioner Patrick V. Murphy pay tribute to a patrolman gunned down in 1972.

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Parliamentary commissions considered and rejected the police idea in 1770, 1793, 1812, 1818, 1822 and 1823. At the time, police on the European continent were often oppressive, corrupt and arbitrary—and seemed the relevant model for England.

The problem was, as it always is for a society valuing political freedom, how to reconcile governmental power with individual freedom.

SIR ROBERT PEELE, the Home Secretary, addressed the dilemma in several ways.

First, he spent several years reforming the criminal law before introducing his Police Act in 1829. He realized the new police would not be successful if required to enforce inconsistent, irrational or exceedingly punitive laws.

Next, Peel and his associates also distinguished the police from the army—feared and mistrusted by the populace—in two respects: Scotland

Yard would not accept applications from senior military men for ranking positions in the new police; and the "Bobbies," as they came affectionately to be known after Sir Robert, were not to carry firearms.

Deadly weapons were for the external enemies encountered by the army. The police regulated citizens and required guns only for emergencies.

Still, the new police were trained to be and to look authoritative. Uniformed police were carefully instructed to be fair and impartial. Force, when used, was to be measured, limited and minimal.

FINALLY, AND most importantly, Peel established the linked ideas of police accountability and public support.

Just as police ranks were to be drawn from the class of working people to insure citizen support, police were to be accountable for their actions to Parliament and the courts.

These linked ideas—legal accountability and public support—were the tools to resolve the dilemma between freedom and order.

Although America was also a "free society" with laws and institutions modeled on England's, no American police department was so carefully planned and organized as Scotland Yard. The first full-time United States police force was formed in Boston in 1837, after roving bands of Protestant rioters destroyed nearly every Irish home on Broad Street.

UNLIKE ENGLISH police prior to the 1860s, American police from the 1830s to the 1970s have been involved with often tragic ethnic and racial conflict.

This has generated special problems for American police. For example, New York City experienced a riot in 1900 that grew out of competition standards to govern conduct. Every student of police agrees that this

the white rioters who were beating the blacks; they joined them.

In a country with a history of immigration, rapid territorial and economic expansion and slavery, the quality of law enforcement has often depended upon the question: "Whose law, and whose order?"

NOR HAS THE police function ever been clear in the United States, either to the police themselves or of the general public.

Most police like to think of themselves as crime fighters. Studies have shown, however, that about 90 per cent of a police officer's time is spent providing a wide variety of community services and peace-keeping functions such as giving directions, handling traffic accidents and resolving family disputes.

Less than 20 per cent of an average patrolman's time is spent on crime-related activities.

Police enforce the criminal law by arresting violators and providing prosecutors with evidence so as to lead to a conviction—no easy assignment.

But police are not usually able to catch criminals in the act. That is why the recent "sting" tactics, where police pretended to "lease" stolen goods but actually photographed the seller and tagged his wares, have been so successful. These records show exactly who did what crime, where and when.

Ordinarily, police must rely on street informants—themselves involved in crime—for information about crime. In return, police offer the informant immunity from arrest or some other "break" in the administration of justice.

This practice creates serious problems about the equity and efficiency of police procedures.

I once conducted a study of vice detectives and burglary detectives in a respected urban police department. The vice detectives used burglars as informers and did not inquire about their burglaries, while burglary detectives used addicts as informers and ignored their drug offenses.

SINCE POLICE departments have limited resources, police must employ considerable discretion in carrying out responsibilities.

Police chiefs set priorities, employing personal values and departmental standards to govern conduct. Every student of police agrees that this



A patrolman plays a game with a young resident of New York's lower east side in 1973 as city promotes idea that police are guardians of the people as well as guardians of the law.

police "culture" heavily influences how police conduct themselves on the job.

Often, police employ discretion sensibly and responsibly. At other times, discretion can deteriorate into police malpractice.

Malpractice refers to a broader spectrum of behavior than police corruption. Corruption normally suggests the sale of official authority for personal gain, whereas malpractice includes not only corruption but also mistreatment of prisoners, discrimination, illegal searches, perjury, planting evidence and other misconduct committed under the authority of law enforcement.

Police culture—especially unwritten codes of conduct and solidarity—is of critical importance here. New York's Knapp Commission found in 1972, contrary to public thinking, that New York police corruption, no worse than in many other city police departments, was not attributable solely to "rotten apples."

Where malpractice exists, it usually spans entire police departments.

POLICEMEN EVERYWHERE experience feelings of isolation, public rejection and hostility in a job characterized by danger, authority and the pressure to produce.

Consequently, policemen build up intense feelings of group loyalty, coupled with deep suspicion of outside interference. In most American police

departments, there is a stubborn refusal at all levels to acknowledge that malpractice problems exist, especially corruption.

In the long run, the police themselves, the community and the victims of crime will best be served by police accountability for the quality of their policies and work. Television programs to the contrary notwithstanding, the U.S. Constitution does not envision police as asphalt cowboys, riding herd on crime and disorder in the central cities.

Police are government officials, armed by law, whose monopoly on force is a public trust in a free and democratic society. They fall when they are transformed into distant and mobile authorities, encased in vehicles, remote from the communities they serve.

Sir Robert Peel understood that when he created the first western democratic police organization. His ideas about how to reconcile policing and freedom—in periods of rising crime and social turbulence—scarcely seem dated.

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