

## AMERICAN LAW ENFORCEMENT:

### THE MAKING OF A PROFESSION

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Today's trend toward increased professionalization of the police may be observed all over the world. Many statements can therefore be made about American law enforcement which apply equally well to policemen in England, Ghana or Norway.

Other facts relating to the American police, however, may seem somewhat strange to police personnel of other countries. This is necessarily the case, because every police force is partly shaped by the political, economic, cultural and psychological atmosphere which surrounds it. In this sense, every nation must produce its own kind of police profession.

But what is a police "profession"? There was a time in the history of police work when the words "police" and "profession" could not have been combined. Convicted miscreants, for instance, could be drafted to serve as "watchmen". A policeman's uniform was something to be ashamed of. In some cities, the new police in the nineteenth century refused to wear their badges outside their clothes - and no one could blame them.<sup>1)</sup> The quality of personnel in early police forces was very low; this seemed appropriate, because the work was assumed to be uncomplicated, and somewhat unethical.

Today, however, law enforcement work is coming to be regarded as highly specialized work, requiring skills and knowledge and demanding exceptional standards of personal conduct. These are the two qualifications which make the police officer a "professional".<sup>2)</sup>

The next few pages will deal with the American police as a developing profession. I shall briefly describe some ways in which police in the United States are improving their competence and are purifying their conduct. By way of background, I shall deal with one or two aspects of the American scene which directly affect the police.

#### 1. "Grass Roots" Law Enforcement:

In the United States, policing is regarded as a local affair; every community is presumed to be able to deal best with its own crime problem, and it is seen as necessary for the police officer to be closely associated with his neighbours (both the law-abiding and law-violating ones). It is also viewed as extremely dangerous for police to become "centralized". Americans assume that police consolidation leads to the accumulation of excessive power among a small group of people. J. Edgar Hoover, the Director of the F.B.I., points out that the most "compelling" argument against a national police is the threat which it poses to "democratic self government."<sup>3)</sup> This is a profound American conviction.

The result of this, of course, is the fact that there are many police agencies in the United States (according to one estimate, 40,000 public police forces),<sup>4)</sup> and that this represents an obvious compromise with efficiency.

Another consequence is the diversity of American police systems. Anywhere in the United States, it is possible to find large complex Metropolitan police organizations surrounded by small communities where law enforcement is in the hands of makeshift, untrained and unqualified groups. Side by side, one encounters states with developed and sparse state police systems. In close proximity to each other, there are cities in which police functions are in the hands of specialists, and others in which specialization is frowned upon. There are communities in which police chiefs are appointed for short periods of time, and others in which they have tenure. Police tactics and practices also differ widely. For instance, in some cities patrol cars contain only one officer, while in others the traditional two-man patrol system is used; foot patrols are being expanded in some communities, while they are virtually abandoned in others.

The relationship between police forces and civilians is different from one place to another. For example, according to a recent survey, Negro citizens of Los Angeles are generally suspicious of their police, but an hour away, in San Francisco, minority groups and the police get along very well.<sup>5)</sup>

Another illustration of diversity is the variation in training and preparation required of policemen. Along the American Pacific Coast, for instance, nine out of ten policemen have graduated from high school, and over half of all police personnel attend classes at a college or university. In New England, on the other hand, only six out of ten officers are high school graduates, and only 18 % go to college. In the West South Central part of the United States, 60% of all police departments provide intensive training to their recruits (a minimum of 200 hours), but this only holds for 14% of the police departments to the North of this region (in the West North Central states).<sup>6)</sup> The rate of professionalization of the American police, in other words, tends to vary.

One way in which differences in the rate of professionalization of American police are "evened out" is by means of supplementary central services, such as laboratory facilities, record files and training programs (the best known of which are supplied by the F.B.I.) State police forces sometimes exercise enforcement functions in rural areas which are poorly policed. National police agencies operate in special fields (narcotics, interstate traffic, etc.) which local police may not be equipped to handle. Interstate compacts, standardization committees, and professional organizations (such as the International Association of Chiefs of Police) enhance uniformities, and arrange for exchanges of services. In this fashion, some benefits of centralization are achieved without sacrificing the "home Town" basis of American law enforcement.

## 2. Limitations to Police Power:

Another characteristic of the American system which is related to the traditional distrust of uncontrolled authority is the circumscription of police powers by the law. For one, the police must apprehend offenders, but never judge them. Moreover, suspects and evidence must be obtained in such a way that individual personal rights are not violated. This fact may be illustrated by considering two Amendments to the American Constitution, and by examining how these have been interpreted in the United States Supreme Court.

The Fourth Amendment to the Federal constitution reads,

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

In 1914, the Supreme Court interpreted this to mean that evidence which had not been obtained legally (in the course of making an arrest, or after presentation of a search warrant) could not be admitted in a Federal court. This rule is called the exclusionary rule, because it excludes possible evidence. The rule implies, for instance, that a police officer cannot act on the basis of mere suspicion, because (1) he cannot arrest without having "reasonable" grounds for assuming involvement in a crime and (2) he cannot otherwise search for evidence unless he knows what he expects to find (because he must list the "things to be seized"). Thus, if a policeman bursts into a suspected gambling den without a warrant, and surprises a group of persons at the high point of a game, the gambling equipment cannot be produced in court. Similarly, burglary proceeds found in a car which has been stopped without prior evidence of a violation, would not be admissible in evidence,

Many states, in their own constitutions, have introduced exceptions to the exclusionary rule - mostly permitting the police some leeway in obtaining weapons and narcotics. In 1961, however, the Supreme Court, in the case of Mapp vs. Ohio, declared such exceptions to be illegal. A similar tightening of restrictions on the police has occurred in the area of interrogation and the obtaining of confessions. The Fifth Amendment to the Constitution reads in part:

"...Nor shall (a person) be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law;..."

This Amendment, and the 14th Amendment (which extends the same provision to the states) are called the "due process" amendments. One type of evidence explicitly excluded here is that of "compelled" confessions. But what is a "compelled" confession? Under the initial interpretations of this provision, the Supreme Court required testimony to be obtained in a "voluntary and trustworthy" manner. Later, the court demanded "civilized standards". In one recent case (Mallory, 1957) a conviction was reversed because the suspect had been detained for seven and a half hours prior to being taken before a magistrate. The tendency has been to minimize the possibility of obtaining information from the suspected criminal, unless he supplies such information freely and voluntarily.

One consequence of these and other restrictions of police power, is that American law enforcement personnel sometimes feel that society does not supply them with enough freedom to effectively enforce the law. They frequently complain about having their hands tied, and about being prevented from doing their work. Although this may represent an exaggeration, it is a fact that the system of justice in the United States tries to err on the side of protecting freedom, in the balance between effective enforcement and protection of the individual. This tendency inevitably requires the circumscription of police work.

### 3. American Criminality.

Since the main function of the police is to apprehend suspected law breakers, law enforcement is partly shaped by the nature of the crime problem. This is a very complex subject, and it is only possible to say a few words here about American crime.

Because the United States is a place of rapid physical and social mobility, the crime rate is necessarily very high. Families moving into large industrial cities from the informality of a farm area, adolescents growing up among the pressures and temptations of a world which moves exceedingly fast, people coming from a variety of backgrounds who find themselves in sudden contact with each other, and underprivileged persons who face contrasts in opportunity and social advantage contribute to America's expanding army of law-breakers. In 1962, 2,048,370 serious crimes were reported by the American police, and this represents a 6 per cent rise over 1961. Crime in the U.S. today increases much faster than the population. Most alarming of all, juvenile and youthful offenders are more and more heavily represented in our courtrooms.- In 1962, arrests of persons under 18 were 9 per cent higher than juvenile arrests in 1961.

The figures are almost staggering. For instance, American stolen property in 1962 was valued at more than \$650 million. Over 356,000 cars were reported driven away. Some 892,800 burglaries and over 95,000 robberies occurred in 1962.<sup>7)</sup> In addition to such dramatic aspects of the police work load, other problems have also become more acute. There is a continuing increase, for instance, in the traffic speeding along America's highways. In 1962, there were some 80 million motor vehicles registered in the United States. The registration figures have jumped in the first half of 1963. Social unrest - especially the ferment related to the aspirations of American Negroes - has increasingly contributed to the work of the police. In New York for instance, 500 policemen a day had to be used to regulate demonstrations in the Summer of 1963.<sup>8)</sup>

Despite all these problems, there are no more law enforcement officers in the United States today than there were five years ago, if population increase is taken into account. Throughout this period, the ratio has remained 1,9 police employees per 1,000 inhabitants. This fact makes it obvious that there is a great deal of pressure on police to increase their efficiency and to allocate their resources as carefully as possible. In other words, professionalization in the American police is literally a matter of survival.

### 4. Physical Resources:

Thanks, in part, to the high level of industrial output in the United States, the equipment available to the American police is more elaborate than that of any other country. Automobiles, communication equipment, laboratory facilities, automated record systems, for instance, are generously available.

A typical example of sophisticated police equipment is the radio communications network installed by the Chicago police in late 1961.<sup>9)</sup> Under this system, a telephone call from a complaining citizen is directly routed to a radio dispatcher who sits in front of a control panel

representing the caller's neighbourhood. The dispatcher can communicate simultaneously with the citizen, and with a patrol car located in the area. As soon as the patrol car moves to investigate the complaint, a light which represents the car on the map is extinguished, and a record card is filed which lists the nature of the complaint.

Since 27 radio frequencies are available to the Chicago police under their new system, there are no delays in processing citizen complaints. And special central control units make it possible to instantly consolidate the communication system for a city-wide pursuit. Direct lines are also available for synchronizing activities with other agencies, such as the fire department and the traffic division.

Much effort is currently directed toward the development of systems which permit selective enforcement. In other words, police have become concerned with using their limited manpower in the most effective possible way. This means (1) having exact information on where and when problems are likely to occur, and (2) studying techniques for most effectively assigning personnel and equipment. Computers have recently begun to be successfully used to achieve these objectives. 10)

"Selective enforcement" has yielded its most dramatic results in the case of traffic violations - especially the reduction of major accident rates. Specialized traffic divisions have sometimes reduced their traffic death by as much as 80% in the course of their existence.<sup>11)</sup> This has been accomplished by careful analysis of accident data, and by tailor-making expert preventive measures.

Police mechanization in the United States is actively promoted by the manufacturers of equipment. A review of American police publications, for instance, can illustrate the extent of advertising directed at police officials. On one page, we may be assured that "22 cities show fewer fatalities" because police use motorcycles, while on the next page we encounter the promise that "teletype gets your man". A few pages further we find that silent burglar alarm systems lead to culprits being "captured on the spot." This type of promotion, of course, cannot be accepted on faith. The answer to the need for maximum police efficiency lies in experimentation which can suggest what equipment is needed, where, and when. Much current attention is turned to this problem.

#### 5. Personnel:

Although the pay and benefits offered by most police departments in the United States are considered good, the caliber of man recruited is also high. This means that even with good incentives, departments may be undermanned because they can't get the type of person which their professional status demands.

Police manpower standards have changed very rapidly over the last few years. For instance, in 1956 slightly over 50% of American police departments required twelve years of schooling. In 1961, the proportion had increased to 70%. The number of police departments offering intensive recruit training courses had doubled in five years (from 13,8% in 1956, to 26,8% in 1961).<sup>12)</sup> Of men who applied for police work, eight out of ten were rejected in 1961, and in some states the applicant rejection rate was over 90%.

Two events which have made it possible to increase the quality of police personnel (and thereby to accelerate the rate at which the police are becoming a profession) is the Depression of the 1930s and the Second World War. Both of these unfortunate occurrences provided American police forces with high quality recruits, and made it practicable to raise standards.

There are "on the job" training programs available to American police personnel, and many universities currently offer courses, demonstrations and seminars related to police work, and conferences concerned with police problems. During a typical recent month, for instance, the Training Calendar published by the International Association of Chiefs of Police listed institutes and training programs concerned with juvenile delinquency, traffic problems, arson investigation, "police management", intoxication, and lie detection. These types of program disseminate the latest scientific information available to police, which is widely circulated, because every trained person becomes able to educate others.

#### 6. Human Relations.

One last area in which American police has undergone a revolution is in its relations with its employers. Several factors had created increasingly bad feelings among the American public toward its police. For one, traffic enforcement problems have occasioned many negative contacts between American 90,000,000 drivers and policemen armed with tickets. More than half of all registered motorists are cited for violations every year.<sup>13)</sup> It is only natural that many of these Americans should have learned to view policemen with fear and resentment.

Secondly (to a minor extent) the friendly neighbourhood foot patrolman has gradually disappeared from the scene, and the remote, impersonal police car has had to take his place. Effective deployment of manpower frequently decreases its visibility.

Thirdly, the effort to create a police profession involves "exposing" the discarded practices of the past. Police "scandals" must frequently precede the creation of a new, improved department, and it may take time to convince citizens that a change has in effect taken place. Related to this fact is the nature of press coverage. It is only natural, for instance, that unprofessional conduct by policemen should make "news" easier than correct and efficient behavior. When an incapable and prejudiced police manager orders the use of dogs and water against demonstrators, reporters properly report this fact. The prevalence of peaceful demonstrations and the absence of police brutality in other cities, however, is not sufficiently dramatic to make news. The public thus may not get information to offset the impression of unflattering exceptions.

Lastly, major social changes have occurred with extreme rapidity in the United States, and police officials have not always been able to adequately adjust. White police officers in the southern states, for instance, were required to undergo considerable change in their attitudes and practices when the Supreme Court announced its integration decision. Similarly, policemen in Northern cities were frequently too prejudiced to establish adequate working relations with an increasing number of Negro citizens.

Within the last few years, the American police has embarked on a comprehensive program to correct these situations. Many large cities, for example, have created committees to deal with tensions between the police and the public. These committees are typically composed of leaders of community groups and of police officials. Sometimes public meetings are conducted in precinct stations, permitting citizens to make suggestions and to voice complaints. In San Francisco and Detroit, for instance, the chief of police himself participates in meetings of this kind. 14)

Many police forces have also developed cooperative relations with civil rights groups and other citizens who wish to exercise their right to publicly demonstrate in the streets. Demonstrators have increasingly policed themselves, and police officers working to protect demonstrations have learned to respect the participants and to treat them with dignity, even when the law has been broken.

In the case of traffic patrols, efforts have been made to reduce practices (such as speed traps) which could give the impression of arbitrary persecution. Many police departments have also instituted regulations designed to insure that arresting officers are polite and pleasant, thus making the best out of a necessarily unpleasant situation.

These and other community relations ventures have been discussed and promoted through professional police organizations, as well as through special meetings, institutes and course material. Although the problem is far from solved, the beginnings of a solution have occurred.

#### 7. Concluding Remark:

I have tried to suggest that the American police operate in a framework which presents problems to it. American democracy limits police efficiency by demanding decentralized police authority, and by protecting even the potentially guilty citizen against any violations of his rights. A complex, dynamic society with its pressures and temptations creates an intensely serious crime problem. These two conflicting pressures seem to create an insoluble paradox, but there is a solution, consisting of the best possible use of high quality manpower and equipment. In turn, improvement of manpower demands increased incentive. The attractiveness of the police profession has had to be improved at all costs.

Lastly, rapid social change has created the need for correspondingly dramatic changes in the attitudes and practices of police officers. It has become necessary for them to show their professional caliber through impartiality and fairness, through self-control and understanding, and through standards of conduct higher than those of many of their neighbours.

Today's efforts by the American police to meet these challenges has created the beginning of a "police profession" in the United States.