

1.1: Early History of Policing

Early History of Policing

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 codes of ancient Greece and Rome have had an influence on Western law, as has the Mosaic Code . One of the earliest forms of written law, the Code of Hammurabi, was carved in large stones in the tenth century B.C.

Hammurabi's Code

Learning Objective

- Describe the significance of Hammurabi's code

Key Points

- The Code of Hammurabi is one of the oldest deciphered writings of length in the world (written c. 1754 BCE), and features a code of law from ancient Babylon in Mesopotamia.
- The Code consisted of 282 laws, with punishments that varied based on social status (slaves, free men, and property owners).
- Some have seen the Code as an early form of constitutional government, as an early form of the presumption of innocence, and as the ability to present evidence in one's case.
- Major laws covered in the Code include slander, trade, slavery, the duties of workers, theft, liability, and divorce. Nearly half of the code focused on contracts, and a third on household relationships.
- There were three social classes: the amelu (the elite), the mushkenu (free men) and ardu (slave).
- Women had limited rights, and these were mostly based around marriage contracts and divorce rights.

TERMS

- Cuneiform: Wedge-shaped characters used in the ancient writing systems of Mesopotamia, impressed on clay tablets.
- Ardu: In Babylon, a slave.
- Mushkenu: In Babylon, a free man who was probably landless.
- Amelu: In Babylon, an elite social class of people.
- Stele: A stone or wooden slab, generally taller than it is wide, erected as a monument.

The Code of Hammurabi is one of the oldest deciphered writings of length in the world and features a code of law from ancient Babylon in Mesopotamia. Written in about 1754 BCE by the sixth king of Babylon, Hammurabi, the Code was written on stone stele and clay tablets. It consisted of 282 laws, with punishments that varied based on social status (slaves, free men, and property owners). It is most famous for the “an eye for an eye, a tooth for a tooth” (lex talionis) form of punishment. Other forms of codes of law had been in existence in the region around this time, including the Code of Ur-Nammu, king of Ur (c. 2050 BCE), the Laws of Eshnunna (c. 1930 BCE) and the codex of Lipit-Ishtar of Isin (c. 1870 BCE).

The laws were arranged in groups, so that citizens could easily read what was required of them. Some have seen the Code as an early form of constitutional government, and as an early form of the presumption of innocence, and the ability to present evidence in one's case. Intent was often recognized and affected punishment, with neglect severely punished. Some of the provisions may

have been codification of Hammurabi's decisions, for the purpose of self-glorification. Nevertheless, the Code was studied, copied, and used as a model for legal reasoning for at least 1500 years after.

The prologue of the Code features Hammurabi stating that he wants "to make justice visible in the land, to destroy the wicked person and the evil-doer, that the strong might not injure the weak." Major laws covered in the Code include slander, trade, slavery, the duties of workers, theft, liability, and divorce. Nearly half of the code focused on contracts, such as wages to be paid, terms of transactions, and liability in case of property damage. A third of the code focused on household and family issues, including inheritance, divorce, paternity and sexual behavior. One section establishes that a judge who incorrectly decides an issue may be removed from his position permanently. A few sections address military service.

One of the most well-known sections of the Code was law #196: "If a man destroy the eye of another man, they shall destroy his eye. If one break a man's bone, they shall break his bone. If one destroy the eye of a freeman or break the bone of a freeman he shall pay one gold mina. If one destroy the eye of a man's slave or break a bone of a man's slave he shall pay one-half his price."

The Social Classes

Under Hammurabi's reign, there were three social classes. The amelu was originally an elite person with full civil rights, whose birth, marriage and death were recorded. Although he had certain privileges, he also was liable for harsher punishment and higher fines. The king and his court, high officials, professionals and craftsmen belonged to this group. The mushkenu was a free man who may have been landless. He was required to accept monetary compensation, paid smaller fines and lived in a separate section of the city. The ardu was a slave whose master paid for his upkeep, but also took his compensation. Ardu could own property and other slaves and could purchase his own freedom.

Women's Rights

Women entered into marriage through a contract arranged by her family. She came with a dowry, and the gifts given by the groom to the bride also came with her. Divorce was up to the husband, but after divorce he then had to restore the dowry and provide her with an income, and any children came under the woman's custody. However, if the woman was considered a "bad wife" she might be sent away or made a slave in the husband's house. If a wife brought action against her husband for cruelty and neglect, she could have a legal separation if the case was proved. Otherwise, she might be drowned as punishment. Adultery was punished with drowning of both parties, unless a husband was willing to pardon his wife.

Discovery of The Code

Archaeologists, including Egyptologist Gustave Jequier, discovered the code in 1901 at the ancient site of Susa in Khuzestan; a translation was published in 1902 by Jean-Vincent Scheil. A basalt stele containing the code in cuneiform script inscribed in the Akkadian language is currently on display in the Louvre, in Paris, France. Replicas are located at other museums throughout the world.



Figure 1.1 The Code of Hammurabi. This basalt stele has the Code of Hammurabi inscribed in cuneiform script in the Akkadian language. ^[1]

Early Western Policing

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.

19th and 20th Eras of Policing ^[2]

Researchers Kelling and Moore (1991) evaluated the first three eras of policing. These eras are discussed below, and are often referred to as the Political Era, the Reform Era, and the Community Era. Through the microscope of seven topical areas, listed below, an understanding of how policing evolved begins.

1. Authorization
2. Function
3. Organization
4. Demand
5. Environment
6. Tactics
7. Outcomes

These seven characteristics have been used to evaluate how policing operated throughout history, most notably through its organizational structure, tactics, and primary focus. ^[1]

Political Era

The political era is often referred to as the first era of policing in the United States and it began around the 1840s with the creation of the first bona fide police agencies in America ^[2]

This era of policing is marked by the industrial revolution, the abolishment of slavery, and the formation of large cities. One way to confirm the start of this era is to look at the creation of police departments in larger cities:

- New York Police Founded 1845
- Chicago Police Founded 1855
- Philadelphia Police Founded 1751
- Jacksonville Police Founded 1822
- Indianapolis Police Founded 1850's
- Detroit Police Founded 1865
- Portland Police Founded 1870


- Eugene Police Founded 1863
- Jackson County, Oregon Police Founded 1852

With the advent of the industrial revolution, came goods and services. Along with new job opportunities, came a myriad of conflict as well. The fast-growing cities had to answer these problems with solutions in the form of policing. The abolishment of slavery and the new free black population created many unforeseen issues too with The Klu Klux Klan. The Klan began to make terrifying appearances and their reign of terror left many in fear. Policing had not yet formally entered the scene; therefore, The Klan operated virtually unencumbered.



Figure 1.2 London Strike: Truck Under Protection

The United States saw tremendous growth in major cities, had the industrial revolution, and the abolished slavery, which is when the Political Era of policing was set into motion. As its name suggests, it was an era of politics, mainly because of how policing was limited as a result of new laws, made clear by the Constitution. America answered the call by following the English and Sir Robert Peel's principles. Not unlike today, policing during this era was under the control of politicians. Politicians, like the mayor, had no problem controlling everything a policeman did during his call of duty (NOTE: the word policeman/men is utilized in this era/context, because during this time period, women were not allowed in the profession, and if they were accepted it was under a microscopic view of certain stereotypical matronly duties to be performed). In fact, Black policemen were rarely hired. Black policemen made their way into policing in the late 1800s, but when the Civil Rights Act of 1875 was ruled unconstitutional, Black officers all but disappeared from policing until the 1950s.

	<p>Pin It! A Look at the Salaries</p> <ul style="list-style-type: none"> • 1957 annual wage for a police patrolman – Milwaukee Police Department: \$5,405.40 1957 Annual Report Milwaukee Police Department 61 years later • 2018 annual wage for police patrolman- Milwaukee Police Department: \$57,291.00 Milwaukee, Wisconsin- State website • 2018 Annual wage for first step trooper- Oregon State Police: \$56,184.00 Oregon State Police- Oregon.gov website
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Reform Era

Because the Political Era of policing ended up being laced with corruption and brutality, the panacea for the negativity became the Reform Era. One police chief was largely at the forefront of this new era, Chief August Vollmer . He is considered the pioneer for police professionalism. August Vollmer was the Chief of Police in Berkeley, California (1905-1932). He had many new beliefs about policing that would forever change the world of policing:

1. Candidates who were testing to be in policing had to undergo psychological and intelligence tests
2. Detectives would utilize scientific methods in their investigations, through forensic laboratories

3. Recruits, for the first time, would attend a training academy (police did not receive any formal training prior to August Vollmer's arrival)
4. Assisted with the development of the School of Criminology at the University of California at Berkeley

Chief August Vollmer saw policing and officers as social workers that needed to delve into the causes behind the acts in order to solve the issue, instead of just arrest it. [3] He knew in order to rehabilitate offenders, police officers needed to look behind the handcuffs and start looking into the person and reason behind the behavior. [4]

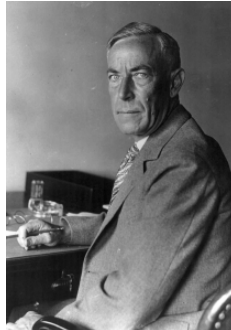


Figure 1.3 “Father of modern law enforcement”

Diversity in policing started to make a mark during this era, but it would fall irrevocably far from meeting any type of quota. It was a better era for diversity than the Political Era, but the numbers don't lie in that it fell dismally short.

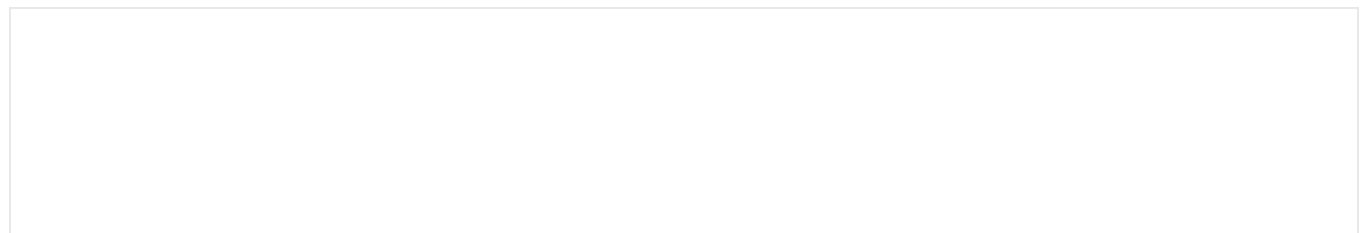
The Community Era- 1980s to 2000

In the 1960s and 1970s the crime rate double and it was a time of unrest and eye-opening policing issues. Civil rights movements spread across America and the police were on the front lines. Media coverage showed controversial contacts between white male officers and African American citizens, which further irritated race relations in policing. The U.S. Supreme Court handed down the landmark *Miranda v. Arizona* and *Mapp v. Ohio* decisions. The writing was on the wall that the policing environment had to change. The days of answering everything with bullying or police professionalism were no more. The Community Era of policing began and those in police administration hoped this new era held the answers to fixing decades-old issues. The police needed help and they would turn towards the community and its citizens for assistance.

This new era of community policing held that police couldn't act alone; the community must pitch in as well. Whether the problems were a dispute between neighbors or high crime area drugs and shootings, these issues did not develop overnight and could not be solved by a response of police alone. Instead, these community problems needed a pronged approach where the police worked together with the community and over time the issues could be systematically solved. Out of the box thinking was common in community policing and often community leaders were identified in order to make the impact. During this time police candidates started showing up to the application process with Associates and bachelor's degrees. The 'old school officers' mocked these degree-holding candidates. But the landscape was changing, and officers needed more thorough training than ever to answer the call.

Problem-oriented policing was an after effect of community policing, in that it utilized community policing, but focused on the problems first. The biggest difference was problem-oriented policing used a defined process for working towards the solution. The problem was torn apart layer by layer and rebuilt according to set parameters that have a proven record of working.

The Community Era was also a time for research. Prior to this era, research on crime, police, or criminal justice topics were few and far between. With new federal government funding options available, this era missions could be accomplished through grants and the needed research began. Proof of what worked, what didn't, and suggestions on how to improve policing were abundant. Without research or studies, policing can become stagnant. But with funding available, the answers were a questionnaire or interview away and solutions came rolling in.



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Quotable - Community Era

“I remember the Community Era very well. I was a new police officer during this time and actually at the forefront of Community Policing and Problem-Oriented Policing. I was the first woman officer at my police department that was pregnant, and the administration was open to suggestions when asked what to do with me when my belly expanded. I politely suggested that once I was five to six months pregnant and began to show (and not fit in my uniform or patrol belt anymore), I will be voluntarily transferred to the Crime Prevention Division. With my doctor approving this decision, my belly grew, and I transferred to this new division. I remember hitting the streets and knocking on doors, spewing how great of a panacea Community Policing was. It took some buy-in and with the citizens who ‘bought-it,’ the concept actually became a reality and worked! Months later we had a string of burglaries occurring in a high-crime neighborhood. The detectives, patrol, everyone hit the streets, knocking on doors, questioning everyone, in an attempt to find the criminals responsible. With no avail, I turned to Community Policing. I brought in a mounted police officer and horse. My colleagues chuckled and shook their heads in response! What was I thinking?!?! “It was a waste of resources,” they balked! How could a cop on a horse solve this crime? I was glad; I ‘wasted my time,’ because it worked! The officer on the horse brought citizens out of their houses that normally would never have spoken to a police officer normally. The horse was such a spectacle in the neighborhood, that it was the catalyst that caused citizens to not only come out of their houses but to start talking about what and who they had been seeing in and around their neighborhood that did not belong. One such sighting was a vehicle description, which led to criminals responsible for the burglaries.”

The Homeland Security Era- 2001 to Present

On September 11 th , 2001, when terrorists hijacked airplanes and flew them into the World Trade Center buildings and Pentagon in the United States, a fourth era of policing, the era of Homeland Security, was said to emerge. [5] The long-lasting repercussions of this terrorist act would forever change life for Americans, but the daily activities of all policing departments. There is some debate in the field as to the order of policing eras and what they should be called. Some scholars list the policing eras as the following:

1. Pre-Policing Era
2. Political Era
3. Reform Era
4. Community Era

Others enumerate the policing eras as follows:

1. Political Era
2. Reform Era
3. Community Era
4. Homeland Security Era

The realities of the tragedy of 9/11 were that it did start a new era of policing. In fact, a case could be made for the large dark line that became metaphorically visible on 9/11/01, when the Community Era shifted to the Homeland Security Era as airplanes

destroyed America's feelings of safety. Policing will probably always involve some sort of Community Era policing in order to make a difference.



Figure 1.4 Remembering 9/11: A Decade Later

Policing under Homeland Security is marked by a more focused concentration of its resources into crime control, enforcement of the criminal law, traffic law, etc., in order to expose potential threats and gather intelligence.

Scholars have examined the pros and cons of a national police department in the United States. For example, Canada has a Royal Canadian Mounted Police. Whereas, depending on location, one could go through several different cities and counties while driving to the store, all of which have their own respective police departments. With the advent of the Homeland Security Era, a new model of centralized organizational control began due to the need for information dissemination. One of the biggest flaws of 9/11 was the lack of communication between law enforcement agencies. The Department of Homeland Security was developed and one of its first major missions became the dissemination of information and communication. So, while a national police department does not exist in the United States, communication and information are now a common thread that binds all of the different types of law enforcement agencies.



Figure 1.5 10:28:24 a.m. on September 11th, 2001 was the precise second that photojournalist Bill Biggart took the final shot of his life. He took his last breath moments later when the North Tower of the World Trade Center collapsed upon him. Four days later, searchers found his body, his burnt-edged press cards, his three demolished cameras, six rolls of film, and one small undisturbed compact flash card carrying almost 150 digital images. It was the remains of one horrifying day and one extraordinary life. "I am certain if Bill had come home at the end of that day, he would have had many stories to tell us, as he always did. And had we asked how it really was, he would have said, 'Take my advice, don't stand under any tall buildings that have just been hit by airplanes.'" - Wendy Doremus, wife of Bill Biggart.

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Quotable - Homeland Security Era

“I remember I awoke to live video showing one of the World Trade Center buildings with smoke billowing from the windows. I wondered hesitantly how the fire started? Then, as one video camera rolled, by happenstance, it caught an airplane flying directly into the second World Trade Center building and my worst fears came true. I think I stumbled to the edge of my couch and steadied myself, although I really don't remember, as I watched what happened next, slowly unfold. The effects of that day will never be forgotten.

During a trip to New York, last summer, I visited the World Trade Center museum. As I walked through the halls, a pin drop could have been heard. The respect, sadness, and overwhelming feelings that filled me made it difficult to breathe. Not only did the terrorists kill and destroy many things that day with their hate but they forever changed policing. I was a patrol officer at the time when the devastation ravaged America. Sadness filled our department for our brothers and sisters that lost their lives. We didn't realize at the time, but our departments and thousands of others in policing across America were in for major changes, because of the heinous acts of a few. The first changes I remember taking place were: Active shooter updates and training; Incident Command System (ICS) updates and training; NEMA emergency management training; Gas masks were distributed for each individual officer, to be carried full-time, along with 3-month re-check and applicable training; Policy and procedure updates and additional response training depending on the call type; Reconfiguration of call type and responses to each; communication became the center of everything. It became essential to hire a person to go through all the communication and alerts we received daily and alert those the information effected Unless those in the policing field had blinders on, the era of Homeland Security, was probably at the time, and will probably always be, one of the most substantial in policing history.”

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