

The History of the American Police

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Police history has become as contentious as policing itself. Its sharpest critics trace its roots to 18th century slave patrols, highlight its recurrent role enforcing social hierarchies, and unearth the sins of its most celebrated leaders. Its staunchest defenders dismiss these claims; they trace its origins to a widely felt need for safety and order, describe its evolution as a story of continual progress, and celebrate its founders as far-sighted visionaries. The rest of us, smugly insisting that we want nothing to do with these polarized debates, appeal to past examples to justify our favorite policing models; our critics insist that we have misrepresented what the past was really like, or that we have ignored the unique historical conditions that made those models possible.

These controversies arise because history matters. History cannot tell us what we should do, but it can expand our imaginations, identifying possibilities, dangers, ideals, and assumptions that we might otherwise miss. Along the way, it dispels the notion that policing inevitably takes any one form or serves any one purpose—that it is invariably a force for good or a force for bad, or that it inevitably serves the aims of protection or oppression. Policing has taken many different forms and served many different purposes over the long sweep of American history. None of those forms or purposes were inevitable; they were the result of choices made by police leaders, politicians, activists, patrol officers, and many other people (though often those people did not fully understand the consequences of their choices or even that they were making them).

This chapter will try to summarize the history of American policing in a way that can help to understand the structure and significance of the choices that have shaped its evolution, aiming to restore a sense contingency and possibility to features of contemporary policing that we have come to take for granted. Policing, I will stress, has always been a product of the social, political, and legal environments that surround it, all channeled through the organizational forms in which

it is embedded (which were themselves a product of each era's political struggles, technological possibilities, and intellectual fashions). Those forces have all changed in dramatic ways over the course of American history, empowering a different mix of rights and interests to shape the character of police work in each historical context.

These dynamics make police history deeply intertwined with other aspects of American history. To understand it, we need to integrate the history of policing with many other fields, including legal history, political history, and the history of technology. This chapter cannot hope to capture all of those connections, but I will try to suggest how the legal and political currents that surround policing have evolved over the past four centuries, how its changing organizational forms have channeled their influence, and how all of these factors have shaped the work of individual officers in the field.

The Origins of Modern Police Agencies

There is no origin point for modern American police agencies. Policing in the United States took shape gradually over time, weaving together many precedents and responding to many different pressures along the path that led to the system we have today.

Policing in early America reflected many influences—Dutch in New York, French in Louisiana, Caribbean in South Carolina, Spanish in the Southwest—but most often it followed English models. Those models spread policing responsibilities widely throughout society, treating them as one of the communal duties expected from all adult males (and occasionally adult females) rather than a distinct job for salaried professionals. Constables and sheriffs were the most specialized policing roles, but even they did not usually view the job as a full-time profession. Constables were typically appointed to their role for one year, and the position often brought no salary (though like sheriffs, constables received fees when they performed specific

tasks like delivering a summons or appearing in court); by the early 18th century, major cities like Boston, Charleston, New York, and Philadelphia each had as many as a dozen constables, often distributed across the city's neighborhood wards (Bridenbaugh 1938).

Most other residents of colonial America also had policing obligations. All adult white males had an obligation to help the constables and sheriffs when they raised the “hue and cry”—a term of art that refers to their authority to summon help to make arrests, control mobs, or recapture escaped slaves (Rao 2019; Lane 1967; Scott 1930). In cities, every adult male could be conscripted into duty on the night watch, which patrolled the streets in search of fires, curfew violations, runaway slaves, unlocked doors, and general disorder; each night, a town constable might consult the list of residents in his ward and round up several of them to join him on patrol (Bridenbaugh 1955). In colonies like Virginia and South Carolina with large slave populations, all adult white males could also be appointed to serve on slave patrols, which inspected plantations and traveled country roads in search of runaways, slave meetings, curfew violations, and other violations of the slave codes (Hadden 2001).

The people who were called on to play these roles rarely welcomed the job. Many of them hired substitutes or paid fines in lieu of serving; by 1743, two-thirds of the constables chosen in Boston refused to serve and paid a fine instead, and many of those appointed to South Carolina's slave patrols did the same (Bridenbaugh 1938, 1955; Hadden 2001). These arrangements laid the groundwork for the salaried police forces that would eventually take shape. In the meantime, the people conscripted to perform various policing duties were mostly tradesmen, craftsmen, and farmers who viewed policing as a side project or a distraction from their real work. Their employers viewed it the same way, complaining that those enlisted for

night patrols were “rendered incompetent to the performance of their daily employment” (Hadden 2001: 56).

This arrangement had important implications. On paper, the law expected peace officers to crack down on neighbors who broke the gambling laws, close down taverns when they became unruly, search other peoples’ plantations for contraband and missing slaves, and make arrests for any crime the court instructed them to, but they took those steps at their peril; they were routinely assaulted while doing their duty and resented or even sued after they had done it (Bridenbaugh 1938: 215-6; Flaherty 1967: ch. 7; Hadden 2001: ch. 2-3). When constables and sheriffs wanted to bring an unruly mob under control or arrest the participants once the disturbance had subsided, they had to summon help from their fellow citizens who were often partisans to the conflict (indeed they had sometimes participated in it themselves) (Steinberg 2014; Rao 2019). British law enforcement officers in the American colonies repeatedly ran headlong into this problem. As legal historian Gautham Rao points out, when colonial officers tried to summon a posse to put down a riot, the colonists often balked, so the British increasingly had to rely on the military to maintain order (Rao 2008: 10-11). When the work of policing was in the hands of ordinary people, popular sentiment (or more precisely the sentiments of the subset of people empowered to carry it out) directly constrained the uses to which it could be put.¹

Early American policing was also governed by private priorities in another important sense. Well into the 19th century, constables and sheriffs were largely reactive: For the most part, they did not seek out lawbreaking on their own initiative but made arrests or conducted searches

¹ In the legal historian Nicholas Parillo’s terms, this system was much better at enforcing the “familiar impositions” associated with the common law than the “alien impositions” that became more prominent in the 19th century—typically statutes enacted by a legislature that represents a large and diverse electorate, whose demands might conflict with the sentiments of any one particular community where they might be applied (2013).

mainly when a judge ordered them to do so; those orders, in turn, were usually issued in response to a sworn complaint by a private party (Davies 2002, 2010). In this respect, the criminal justice apparatus was primarily a set of tools that private individuals could use to pursue justice as they saw it—a forum where one person could accuse another of wrongdoing and a source of authority to compel them and others to participate in that process (Steinberg 2014; Thacher 2020a).² This system granted private individuals great power to mobilize legal authority, but it also imposed burdens on them when they chose to exercise it. Complainants had to bear the costs of investigation and prosecution, and they could be sued for malicious prosecution if the person they accused was not convicted (Davies 2010). A sheriff or constable who made an arrest on their behalf also risked a lawsuit (Davies 2010) and, more important, assault, for it was both legal and common to physically resist an unjustified arrest (Greenberg 1975; Chevigny 1969).

Particularly in the great cities that emerged in the 18th and 19th centuries, this largely mercenary system of criminal law enforcement attracted several criticisms. Victims often lacked the resources or knowledge to mobilize the law on their own behalf, and many settled for private deals rather than public prosecution. As a result, the system largely ignored many crimes, and prominent critics complained that this neglect undermined deterrence and justice. The most influential was Patrick Colquhoun, a former resident of colonial Virginia and one of the leading influences on the early British police. Near the end of the 18th century, Colquhoun complained that “many persons who suffer by means of small Robberies, afraid of the trouble and expense of a prosecution, submit to the loss without inquiry” and that this neglect, “by proving a great encouragement to thieves of every class, is of course an injury to the Public;” only a public

² The night watch and the slave patrols were the main exceptions to this rule, as both of them were expected to enforce the laws proactively on behalf of the community.

police force could overcome this problem, he insisted (Colquhoun 1797/2012).³ Moreover, public order offenses simply did not have immediate victims who were motivated to bear the costs of investigation and prosecution, so the prevailing approach to criminal justice systematically neglected them (Thacher 2014; Lane 1968; Schneider 1980). Meanwhile, people who *were* sufficiently motivated and willing to bear the costs could use the justice system with reckless abandon; as Allen Steinberg observes, “almost anything that annoyed or irritated a person could be treated as a crime” (2014: 77). One particularly explosive example involved slavery, as Southern slaveowners enlisted Northern constables and other peace officers as mercenaries to track down escaped slaves; abolitionists were outraged at this use of the legal system to uphold an institution they abhorred (Lane 1967: 51). (The 1843 “Latimer Law”, named after a fugitive slave who had been arrested by a Massachusetts constable, made it illegal for law enforcement officers in that state to arrest fugitive slaves.)

The Development of Police Organizations

Textbooks often suggest that modern policing is the brainchild of British Home Secretary Robert Peel, who spearheaded the effort to establish the London Metropolitan police in 1829, along with people like Colquhoun who influenced him; the London force, in turn, soon became the inspiration for other forces in the U.S. and Britain. That story grossly oversimplifies the history of policing in the United States and Britain. The London police did represent an important moment in the history of modern policing, but Peel’s force was not a radical break from the past, and we misunderstand the motivations for creating it if we ignore its many precedents. Relatively professional police forces already existed in most London parishes by the

³ The development of the slave patrols followed a similar pattern. Since individual slaveowners and overseers did not always mobilize the legal system to enforce the slave codes to the satisfaction of the wider community, the wider community eventually established its own enforcement apparatus (Hadden 2001: ch. 1).

time the London Met was established, with some of them dating back to the 1720s. Those forces had emerged gradually out of the old constable-watch systems over the course of the 18th and early 19th centuries, as many London parishes raised policing standards by establishing salaried positions in their night watches, strengthening literacy and physical requirements, providing uniforms and badges, and establishing foot patrol beats for many officers. The establishment of the 1829 London Met was not a decision to establish policing for the first time but a decision to consolidate this decentralized system (Reynolds 1999).

A similar pattern played out in the United States. Most major American cities had developed salaried, and sometimes uniformed, policing arrangements that built on the foundation of their longstanding constable-watch systems no later than the early 19th century—in some cases as early as the 1730s (Bridenbaugh 1938: 377; Hadden 2001: 22). For example, although the Philadelphia Police Department was not officially established until 1854, salaried police forces already operated in neighborhoods throughout the city long before that time. By the 1830s Philadelphia had more than one hundred paid watchmen and dozens of constables and inspectors assigned to four sections of the city. The citywide Philadelphia Police Department was established as part of an 1854 law that merged the city itself with its surrounding county; it did little more than consolidate these existing neighborhood forces, uniting the city Marshall's force with the smaller forces that had policed many outlying areas and placing them all under the Marshall's command. The total number of officers policing the area did not change at all (Steinberg 2014; Johnson 1979). New Orleans similarly established its police department in 1852 by consolidating the forces that already existed in the three “municipalities” that the newly expanded city united (Rousey 1997).

Salaried police forces appeared especially early in the American South, despite the fact that the largest Southern towns were smaller than their Northern counterparts. New Orleans created a police force modeled on the recently established French *gendarmerie* in 1805, shortly after it became part of the United States (and before it was temporarily partitioned into the three autonomous municipalities mentioned earlier). New Orleans's French lineage made it relatively unique, but similar police organizations appeared in other Southern cities as far back as 1783, when Charleston transformed its old night watch into an armed and uniformed "city guard" that patrolled city streets in groups at night; Savannah, Mobile, Richmond, Raleigh, and many other Southern towns had similar forces by the early 19th century.

Every one of these early Southern police forces was established in large part to control the cities' slave populations, but all of them were also expected to control crime and disorder (Rousey 1997; Hadden 2001; Cei 1975; Jordan 1979). New Orleans's original *gendarmerie* emerged out of Mayor Etienne Bore's proposal to create a mounted police force to catch runaway slaves, and the city financed it by imposing a tax on slaveholders of one dollar per slave; officers on the force were compensated partly by an elaborate formula for sharing the fees earned by capturing runaways and slaves caught gambling (Rousey 1997). In Charleston at the beginning of the 19th century, city leaders were sufficiently alarmed by the successful slave revolt in Haiti and a foiled conspiracy in Virginia that they overhauled the city's already elaborate policing system, expanding the number of constables and city guardsmen and establishing a new City Marshal to oversee the whole system. By 1806, Charleston had 24 constables and about 70 members of the City Guard responsible for policing a city of 18,000. The marshal and constables did not have fixed patrol beats but were expected to enforce a wide range of city laws, while guardsmen were instructed to patrol "every street, lane, alley, and open

court,” arresting “all robbers, whom they may detect in the attempt or act of stealing, . . . all disturbers of the public peace, . . . all suspected persons found lurking about the streets, and all Negroes or persons of color, whether bond or free, who, after the beating of the [9 o'clock] Tattoo, may be seen in the streets, not having a . . . ticket from some white person” (Jordan 1979: 126).

The growth, professionalization, and consolidation of these forces eventually culminated in the establishment of uniformed, around-the-clock “police departments” like Philadelphia’s. The New York City Police Department (established in 1845) is usually viewed as the first of those organizations (Richardson 1970), though as already noted many other cities had salaried forces that were expected to patrol their cities for part or all of the day by that time; they differed from New York’s in detail rather than broad outlines. By 1870, almost every significant city in the country had established a police department similar to New York’s.

That final act of consolidation, like the incremental reforms it built on, had many sources, but riots seemed to play a particularly important role in this stage of police evolution. The middle third of the 19th century was a tumultuous time across the United States, as waves of immigration and the national controversy over slavery inflamed racial, ethnic, religious, and political tensions that often broke out into riots. When the fragmented system of watchmen, constables, marshals, and day police proved unable to control unruly crowds, city officials repeatedly called in the militia, but the militias themselves were typically made up of local men who had their own allegiances in the conflict, and their lack of skill and discipline repeatedly ended in tragedy. These failures prompted city leaders across the country to call for more centralized systems of municipal policing (Steinberg 2014).⁴

⁴ The hamfisted response of constables and various military forces to riots in England also contributed to the growing sentiment in favor of more centralized policing systems there. The problem was not so much that the

In short, the reforms that culminated in the establishment of modern police forces did not take place all at once, and they were not the product of a few founding fathers of policing. They emerged piecemeal over the course of many decades, in many different places, in response to many different influences and motivations. Their many founders remain mostly anonymous.

The New Police

Whatever reasons motivated American cities to create them, the establishment of centralized “police departments” set in motion new dynamics that have shaped American policing ever since. Consolidated into a single organizational structure, policing became subject to deliberate efforts to shape the work done by individual officers; from here on out, those officers were agents of a formal organization rather than the (relatively) free agents they had been in the past. To be sure, the earliest police departments had few meaningful tools to influence what officers actually did in the field; but they had some, and over time the organizational infrastructure that shaped police work became more elaborate.

One result of that change was that police agencies became political battlegrounds—places where different visions of the priorities that should guide them and the tactics they should employ could be fought over explicitly. To what ends would these powerful new organizations be used? What means could they legitimately use to pursue those goals? Whose interests would guide their work, and what rights would constrain it? Now that policing had been institutionalized into distinct organizations, these questions could be asked in a more focused way, and the answers that were given would potentially have profound consequences. Those

military could not put down riots when they happened, but that they often did so in a violent and partisan way. The 1819 bloodbath in St. Peter’s Field in Manchester, England, where a militia force came to arrest a pro-democracy speaker and ended up firing on the assembled crowd, became an especially vivid illustration of the flaws in the existing system for controlling civil disorder (Poole 2019; Critchley 1978).

answers became embodied in the political and legal structures that governed 19th century policing at various times and places; the proper shape of those structures became a central issue in police reform.

Police Work in the 19th Century

19th century police were generalists who did many different things. Depending on the time and place where they worked, police officers removed obstructions from public streets, ordered noisy buskers or unlicensed pushcarts to cease playing or selling, tracked down truants, tested doors to make sure they were locked, arrested people found drunk in public, gave relief and overnight lodging to destitute people, hunted escaped slaves, demanded papers from free Blacks, regulated traffic on the streets, raided suspected brothels and opium dens, put down riots, checked pawnshops for stolen goods, issued licenses to taverns and taxis and monitored whether they complied with them, kept an eye on known pickpockets in crowded squares, drove vagrants out of town, broke up streetcorner gatherings, and, occasionally, identified and arrested people who had committed serious crimes (*e.g.* Lane 1967; Rousey 1997; Fogelson 1977; Monkkonen 1981).

If arrest statistics are any guide, the most common activity of the new police involved maintaining order in public spaces: regulating traffic, rounding up stray animals, controlling public drunkenness, forcing property owners to clean up ice and obstructions from adjacent sidewalks, and so on. This work was not new—constables and night watchmen also made many arrests for public drunkenness, disorderly conduct, and other forms of public disorder—but the rate of these arrests shot up substantially once full-time professional police departments were established (Thacher 2014). In the most extensive overview of 19th century American police, Eric Monkkonen found that in 1880, almost two-thirds of arrests in the 18 largest American

cities that reported data in that year fell into the five categories of “drunkenness”, “drunk and disorderly”, “vagrancy”, “suspicion”, and “corner lounging” (i.e., loitering) (1981: 103).

It is not entirely clear what all of this activity involved. Some of it aimed to regulate public behavior in the dense urban environments that took shape over the course of the 19th century. As people came together in the crowded streets, markets, parks, and plazas that emerged in the 19th century city, conflicting demands on those spaces and diverse expectations about the kind of behavior that was acceptable in them had to be resolved (Schneider 1980; Lane 1968; Thacher 2015). The laws prohibiting things like disorderly conduct, public drunkenness, and breach of the peace gave police the authority to take action when people violated those standards—when they staggered through the streets drunk, made too much noise near a Sunday church service, or drove their carriage recklessly. Police often view this kind of work as a distraction from the real business of crime control, but more than anything else, it is the capacity to focus on problems that lacked identifiable victims that distinguished the new system of criminal justice from the older, victim-driven model it displaced. As the historian Roger Lane once explained: “Private citizens may initiate the processes of justice when injured directly, but professionals are usually required to deal with those whose merely immoral or distasteful behavior hurts no one in particular. It takes real cops to make drunk arrests” (1968: 160).

Although public order laws had principled uses, their breadth and ambiguity made them vulnerable to abuse. Victorian moralists sometimes pressured the police to impose middle-class standards of virtue on new immigrants and the poor—to crack down on Germans and Irish who drank, Italians or Chinese who gambled, and Jews and atheists who kept their shops open on Sunday (Fogelson 1977: 38). As Sidney Harring put it in a study of the police in several 19th century cities in the Great Lakes region, “the criminologist’s definition of ‘public order crimes’

comes perilously close to the historian's description of 'working-class leisure-time activity'" (Harring 1983: 198). Police also used order maintenance statutes as a pretext to arrest outsiders, racial and ethnic minorities, labor agitators, and people they considered suspicious (Wagner 2009; Rousey 1997; Mitrani 2013; Dubber 2005); at the extreme, after the Civil War many Southern sheriffs used vagrancy laws and other minor offenses to control free blacks, even returning them to a form of bondage through exploitative labor contracts (Blackmon 2008). Finally, officers used their broad order maintenance authority as an all-purpose tool for crime control. Believing that corner loungers, rowdy taverns, and other idlers were likely to spark fights or plan crimes, some 19th century police instructed their officers to break up these gatherings to nip more serious problems in the bud (Johnson 1979).

Whether they were trying to maintain public order, reassert social hierarchies, control crime, or anything else, 19th century police used a variety of tools to try to accomplish their goals. Many people hoped that police forces would reduce crime and disorder simply by being visible, thereby deterring people who were inclined to break the law (that was one rationale for putting them in uniform) (Miller 1977). Once they were out on patrol, officers tried to prevent crime and disorder by trying doors to make sure they were locked, dispersing corner loungers, and monitoring known pickpockets, among other things (Johnson 1979; Miller 1977; Lane 1967). 19th century police also played a bigger role in the regulatory and licensing systems than they do today, and they used their influence over license renewals to encourage taverns, pawnshops, taxis, and others to do what they could to prevent crime and disorder (Thacher 2020a; Lane 1967; Johnson 1979).

All of these tools were important, but the main tool that officers relied on to accomplish their goals during this era was the power of arrest, and the main way their departments touted

their achievements was by tabulating all of the arrests they had made in their annual reports. The widespread use of that tool was a product of legal and logistical innovations that took shape over several decades.

From the colonial era through the first few decades of the 19th century, American peace officers had limited authority to make an arrest without a warrant unless the offense caused an ongoing breach of the peace in a public place. If an officer arrested someone who was never convicted for the offense, the officer could be sued; more important (since such suits were rare), courts often ruled that physical resistance to an unlawful arrest was justified—and indeed such resistance was common (Miller 1977; Johnson 1979). All of this changed dramatically over the course of the 19th century, as legislatures and courts increasingly protected officers from civil suits and physical resistance when their well-founded suspicions turned out to be incorrect or when they were responding to a complaint by a victim or bystander. Those changes unfolded in a haphazard way, with significant variation across jurisdictions and offenses that left many officers (and more than a few lawyers) bewildered, but they were significant all the same (Lane 1967; Davies 2010; Hall 1936; Chevigny 1969; Oliver 2010; Bishop 1872).

The logistical challenges involved in making an arrest were at least as substantial as the legal ones. It was not easy for an isolated 19th century police officer to escort a belligerent or incapacitated lawbreaker a mile or more through rutted and muddy streets to the lockup at police headquarters—some officers resorted to wheelbarrows and milk carts to transport their prisoners—and arresting a belligerent *group* of lawbreakers was close to impossible. Late 19th century police departments took several steps to overcome this challenge. Some built decentralized lockup facilities in each precinct station, saving the arresting officer a trip to central headquarters, and others sent out Lieutenants or roundsmen to take custody of prisoners

in the field so that the officers could remain on their beats (Wagner 2008; Williams 1981).

Shortly after the end of the Civil War, the young St. Louis police force commissioned a covered horse-drawn police wagon that could meet officers on the streets and transport prisoners to the nearest lockup facility (Wagner 2008). A decade later, Chicago installed a new telegraph call box system that made it possible for officers to summon a patrol wagon from the nearest precinct station, and within two years the wagons retrieved almost half of all arrests. The department's annual report for 1883 boasted that the new arrangement had made it possible for officers to make far more arrests than they had in the past, and the city continued to expand the fleet of patrol wagons until it owned almost four dozen by 1890. Other cities soon copied Chicago's system, viewing it as an enormous boon to police efficiency; more than a hundred had installed telegraph callbox systems similar to Chicago's by the turn of the century (Tarr 1987; Scott 2004; Leonard 1936).

As these legal and logistical innovations made it easier for police to take people into custody, the sheer volume of arrests exploded. By the final decades of the 19th century, the number of arrests in most cities was staggering: At some point during the 1880s the average police officer in St. Louis made 39 arrests per year, the average officer in Baltimore made 42, and the average officer in Chicago made 63. A few years later, the average police officer in Washington, DC and New Orleans made over 100 arrests every year. No reliable national figures exist during this period, but Eric Monkkonen's database of nearly two dozen large police agencies reports an average of 46 arrests per officer in 1890 (Monkkonen 2006); today, by contrast, the average officer makes about 11 arrests per year (FBI 2023). Police historians have sometimes suggested that late-19th century police were largely inactive, spending their time socializing in saloons or otherwise avoiding their jobs (Haller 1976; Walker 1977; Fogelson

1977), but that picture is hard to square with the sheer volume of police activity recorded in these data.

The more pressing question is not whether police were doing anything at all but whether what they were doing was appropriate. Public reaction to the explosion of arrests was often critical. Critics complained that officers misused their authority to prosecute personal grievances, seek revenge against people who had disrespected or annoyed them, and extort bribes from legal and illegal businesses (Johnson 1979; Miller 1977; Steinberg 2014; Mitrani 2013). Others complained that even when the arrests targeted real misconduct, mass arrests for minor offenses was simply overkill—like swatting flies with heavy armor (Thacher 2015).

In response to these concerns, a few police leaders tried to find a different path, instructing officers to avoid making arrests whenever possible and rely instead on informal interventions and warnings. Speaking to the annual meeting of the International Association of Chiefs of Police shortly after the turn of the century, Cleveland Police Chief Fred Kohler decried “the numerous arrests made for minor offenses” and complained that he “couldn’t see that these wholesale arrests did any good.” Kohler met with every group of officers in his department and arrived at a loose “Golden Rule” policy that explicitly treated arrest as a last resort. Juveniles should always be warned and taken home “for parental correction” rather than arrested, public inebriates should usually be sent home “unless it seemed necessary for the protection of their lives or their property to confine them until sober”, and all other people suspected of first-time misdemeanors should be warned and released “unless it can be shown that the offense was committed with malice and forethought—with the intention to injure the person or property of another”. Arrests in Cleveland immediately fell by two-thirds, from 55 per officer to 18 (Walker 1977; IACP 1908; Monkonnen 2006). Kohler’s remarks sparked a spirited debate at the IACP

meeting. Some police leaders rejected his philosophy as too lenient, others objected that his officers effectively usurped judicial authority, and still others enthusiastically endorsed his approach; some claimed that they had already adopted a similar policy in their own departments. In that respect, it remained an open question whether police *should* continue to use their power of arrest as freely as they had, or whether they should try to rein it in. What Cleveland's experience made clear was simply that police leaders had a choice in the matter—that they could substantially influence how often their officers used their arrest authority if they chose to do so.

19th-Century Police Organizations

Although the creation of municipal police departments potentially subjected policing to more explicit collective control than the system of communal policing it had displaced, that potential remained largely unrealized through much of the 19th century. As the sociologist Allan Silver put it, police authority in 19th century America operated as a form of “delegated vigilantism”, in that officers responded to crime and disorder in roughly the same way a layperson would (Miller 1977: 20). The shift from the old system of communal policing to the new system of professional policing would take many decades to show much impact.

That is not to say that police departments did not guide their officers at all during this period. The evolution of arrest practices just described already illustrates how police organizations shaped their officers' work—not just by providing tools like telegraphs and patrol wagons to facilitate it, but also by putting pressure on them to take vigorous action (or, in Kohler's case, to use a lighter touch). Departments often required officers to keep records of their arrests so that their supervisors could keep track of their activity, and they issued lengthy rulebooks and instructions that specified the minute details of their patrol routines and required

them to take specific actions (Johnson 1979; Rousey 1997; Miller 1977; Lane 1967; Richardson 1970).

The trouble was that these attempts to shape what officers did in the field were often not very effective. Charged with patrolling miles-long patrol routes, officers remained invisible to their supervisors for most of their shifts, and they often subverted the tools that their agencies deployed to try to monitor them (for example by enlisting a coworker or neighborhood resident to pull the lever on the call boxes where they were supposed to check in every half hour) (Rubinstein 1973). New officers got little or no formal training; they were expected to learn the job from a department rulebook that they might or might not be able to read (many had not completed grade school and few had graduated high school) or informally from their coworkers (Fogelson 1977; Johnson 1979). In principle, departments might have tried to ensure that the force pursued their preferred priorities by hiring men predisposed to agree with them, but in practice hiring standards were weak and widely ignored. In most cities, jobs in the police force were treated as a reward for political loyalty; often, the elected aldermen in each ward officially or unofficially oversaw appointments. Until local governments established “good behavior” tenure for police officers near the end of the century, officers might be fired en masse when an election ousted one party and replaced it with another. Police leadership had little ability to shape policing when an officer’s fate depended mainly on the support of the neighborhood alderman; in any case, the massive turnover that followed many elections repeatedly destroyed any know-how the organization had accumulated (Miller 1977; Walker 1977; Johnson 1979; Fogelson 1977; Rousey 1997).

The use of deadly force illustrates how little influence police departments exercised over police work in the 19th century. On paper, many early police departments forbade officers from

carrying guns on duty (as in Britain, too many people worried that police could not be trusted with firearms), but in practice many officers armed themselves anyway, and they did so with the tacit support or even encouragement of their immediate supervisors (Miller 1977, Rousey 1997; Richardson 1970; Johnson 1979; Lane 1967). America's streets were more violent than Britain's, and gun carrying had become relatively widespread in the U.S. since Samuel Colt patented the first commercial revolver in 1836; an officer equipped with nothing but a baton seemed like a sitting duck (and indeed a significant number were shot on duty). As officers began to arm themselves in violation of official policy, they generally received tolerance but little guidance from their organizations (Johnson 2004). One result was that many 19th century police officers appeared to be fairly incompetent marksmen: Dennis Rousey's careful study of the New Orleans police from 1863 to 1889, which focused on 90 officer-involved shootings for which sufficient information could be assembled, found that they missed their targets half the time at a 10 foot range, shot one innocent bystander for every six of the suspects they intended to hit, and were responsible for one-third of the line of duty deaths among their coworkers. Another result was that officers routinely fired their guns unjustifiably: Rousey conservatively estimates that at least ¼ of all shots fired by the New Orleans police were "clear cut abuse of authority" and that half were probably illegal. Rousey concludes: "Without official policy direction or legal education, lacking any training in firearm, safety, and marksmanship, a policeman made their own individual policy regarding deadly force, with very destructive results" (Rousey 1997: 160-1). Eventually the city's mayor and the district attorney pressed the department to enforce more rigorous guidelines for the use of force, but the police chief largely ignored them; when asked by a reporter whether he had anything to say to his officers about their use of their guns, he responded: "No, sir; they have no instructions from me. . . Use of the revolver is left entirely to

the policeman's own discretion" (Rousey 1997: 175-8). The mayor kept pressing the issue, ordering the police department to read the rules contained in the police manual to recruits twice a week, but enforcing the rules was another matter; the police board that heard disciplinary cases only rarely and unpredictably imposed sanctions.

Although its fraught race relations and high rates of violence made New Orleans distinctive, its experience with police use of force was far from unique. In 1894, New York's Lexow Committee, which the state Senate had convened to investigate corruption and other police misconduct in New York City, launched the first major investigation of police brutality in the United States. As part of its investigation it subpoenaed more than a hundred police officers who had been convicted of assaults on citizens during the previous three years (as they arrived to the hearing the press dubbed them "the clubber's brigade"). All but four still worked for the NYPD; in three of those cases the victim had been a fellow officer, so in fact only one person had been fired for assaulting a civilian. When Theodore Roosevelt took over command of the department the following year, he finally required all officers to undergo 8 hours of firearm training each year, but the curriculum focused entirely on marksmanship—on how, not when, officers ought to fire their guns (Johnson 2004).

Governing the 19th Century Police

Oversight of use of force was weak in the late 19th century partly because that was how the public wanted it—or more precisely, how the segments of the public who had effective influence over the police wanted it. During the period when he established the NYPD's first firearms training academy, Roosevelt insisted that officers had to exercise restraint when they dealt with respectable citizens, but he encouraged them to be aggressive when dealing with criminals; the department largely ignored brutality complaints made by defendants in criminal

cases. That posture reflected the dominant strand of public opinion at the time, which disapproved of brutality towards “respectable” people yet positively encouraged it against troublemakers. Shortly after the turn of the century, even one of New York’s reform mayors insisted: “I hope the police will use their clubs on every gunman on whom they can lay their hands” (Johnson 2004: 108-9). As new segments of the public gained political power, police practices that had previously gone unchallenged would come under scrutiny.

That was the final, and perhaps most important consequence of the new system of professional policing that emerged in the 19th century: Once the task of policing had been ensconced in a formal organization, it potentially became subject to explicit policy choice to a much greater degree than it had been in the past. The scope for effective control was, as we have seen, limited by the anemic organizational infrastructure of 19th century police departments; but it was not zero. The battle over who would control the police became intense.

That battle played out most vividly in Southern police forces after the civil war. After Abraham Lincoln’s assassination, President Johnson at first allowed the Confederate states to restore their state and local governments and deal with freedmen however they wanted. Conservative Democrats who had filled government roles during the Confederacy often returned to office, and they staffed their police forces with leaders and officers who opposed Black rights (Hadden 2001; Rousey 1997). In New Orleans’s first election after the Civil War, the city elected a former Confederate mayor, who immediately appointed a former Confederate police chief; the chief declared that he needed more men to control “the idle and vicious portion of a population that was formerly controlled at home”, and he proceeded to staff the department heavily with former Confederate soldiers (Rousey 1997: 114-5). That summer, dozens of New Orleans police officers took part in a brutal riot that left hundreds of people wounded and 38 dead, 34 of them

Black. A similar massacre had erupted a month earlier in Memphis, and police played a direct role in the violence there as well (Rousey 1997; Ash 2013).

That fall, politicians across the country cited the riots in New Orleans and Memphis as evidence that Johnson's laissez-faire attitude towards the former Confederate states had been disastrous, and that message helped elect representatives committed to aggressive action to vindicate Black rights and to protect freedmen from violence and predation. Early the next year, over Johnson's veto, the new Congress passed a law that abolished all but one of the Southern state governments and imposed federal military rule on all of them until they adopted new state constitutions and ratified the 14th Amendment, which guaranteed due process and equal protection of the law to all Americans. The law's preamble explained that this drastic action was necessary because no "adequate protection for life or property now exists in the rebel States", and the debates leading up to its passage cited the failure of the police to stop the riots in Memphis and New Orleans—indeed their active participation in them—as evidence for this conclusion (Foner 1988, Ash 2013).

Federal troops and the new Republican-led legislatures soon took control of many Southern cities, and as they did so they dramatically reshaped many of their police forces for nearly a decade. By 1870, 12 of the 20 largest cities in the South employed Black officers, and in seven of them more than a quarter of the force was Black (Rousey 1997); in 1867 one Union commander ordered several North Carolina counties to establish police forces "to be composed of loyal citizens, white and colored in the ratio of registered voters" (Hadden 2001: 195). In some Southern cities, Black leaders served as precinct captains and police commissioners, and dozens were elected as county Sheriffs (Rousey 1997; Foner 1988). Officers working in these agencies no longer ejected freedmen from streetcars, arrested them en masse for vagrancy, or

looked the other way when violent vigilantes brutalized them. In some cases, federal pressure led local officials to enact these changes in their own, but when the local officials proved recalcitrant, the newly established state legislatures—themselves under heavy federal pressure—wrested control of local police departments away from them and placed them under state command (Rousey 1997: ch 4-5; Hadden 2001: ch. 6).

White supremacists resisted these changes bitterly, filing lawsuits, mounting tax strikes, and targeting Black police officers with violence. Eventually, after the contested 1876 Presidential election led to a compromise that involved withdrawing federal troops and oversight from the Southern states, they regained control over local governments and police forces. The result, even in cities like New Orleans with a more cosmopolitan tradition of racial integration than other Southern cities, was the Jim Crow system of policing that would prevail for decades to come (Hadden 2001: ch. 6). By the 1880s, New Orleans mayors were ordering police to round up hundreds of Black men on election day to prevent them from voting and to arrest Black levee workers “who did not want to work” when they went on strike (Rousey 1997: ch. 6). Matters deteriorated further in the following decades (Baker 2021).

Although its effects were especially vivid and consequential in the South, the same battle for political control over the police played out elsewhere in the country. When one party ousted the other in local elections, the newcomers often fired one ethnic group en masse and replaced it with another; Los Angeles purged all but a few Spanish-American officers in 1889, while Chicago filled its force with Irish immigrants in 1897 (Fogelson 1977: 36). Between 1857 and 1887, state legislatures (which were mostly dominated by Republicans) wrested control of at least a dozen big-city police departments from local governments (which were mostly dominated by Democrats), usually by creating “metropolitan police” that included the target city and a

token jurisdiction or two nearby. Ostensibly their goal was reform, but their claims to represent a broader public interest instead of the narrow local interests represented by the political machines are hard to credit. During the years when they exercised power over the big-city police, they tried to elevate the interests of middle- and upper-class, native-born Americans over those of the working class and the new immigrants who had been so closely tied to the political machines, both by stepping up morals enforcement and by reallocating police jobs from one ethnic group to another. By century's end, local politicians fought back in many places, returning control of the police to the municipal level (Fogelson 1977).

I have described these political battles to control the police at such length because they illustrate a crucial feature of American policing that distinguished it from its British counterpart. Where the London police had been deliberately insulated from popular control, American police were deeply embedded in politics (Miller 1977). That arrangement had many benefits, particularly by making police far more responsive to majority preferences than the London police ever were, but it also had drawbacks. As already noted, it sometimes made it difficult for police organizations to achieve the stability and independence required for real organizational growth and expertise. It also posed special dangers for members of persistent minorities, who had little hope of exercising significant power on election day. For them, legal protections in the courtroom were the most plausible source of protection for their interests; but the 19th century police remained only weakly governed by the courts (Haller 1976).

From the Progressives to the Protests, 1900-1970

By the beginning of the 20th century, many groups of reformers were clamoring for change in policing. Business associations, civic groups, legislative commissions, private consultants, and grand juries invested huge sums of time and money to conduct investigations of

police departments they considered dysfunctional, hoping to lay bare these agencies' weaknesses and outline an agenda to overcome them. These efforts unfolded in waves—the first pressed by people outside of policing, and the second by influential police leaders themselves—but they followed a remarkably consistent approach to police reform for more than half a century (Fogelson 1977).

That agenda substantially altered the character of policing across the United States by the 1960s, but the changes were not always the ones the reformers had hoped for, and along the way they raised many new problems that future reformers would have to grapple with. Those challenges reflected the reformers' failure to recognize the complexity of the policing function and the nature of the organizational, political, and legal structures needed to govern it. The reforms they did advance aimed to transform police agencies into bureaucracies—organizations governed by detailed rules and procedures and guided by specialized expertise. That model of organization did help reformers to stamp out some of the problems they hoped to resolve, but it failed to resolve many others; ultimately it was mismatched to the complex structure of police work.

The Evolving Work of Policing

One of the central complaints made by reformers about policing in the early 20th century was that police responsibilities were too broad. An organization charged simultaneously with regulating taxis, rounding up drunks, solving murders, transporting accident victims, lodging the homeless, managing protests, directing traffic, and providing security for courthouses and harbors was simply too unwieldy to do any one of those things well. A major, recurrent goal of 20th century police reform was to narrow the police function by making the police specialists in

the control of serious crime (Fogelson 1977). The efforts to achieve that goal failed spectacularly.

Police reformers and leaders tried hard to deepen police expertise in crime control in the first several decades of the 20th century, but these efforts rarely did much to narrow the police role and sometimes made things worse. Detective bureaus developed a more scientific approach to their work that relied on fingerprints, blood samples, modus operandi files, ballistics tests, and other scientific and organizational innovations imported from Europe and elsewhere (Guariglia 2023; Fogelson 1977), but these novel techniques only rarely helped detectives solve crimes that they could not solve by interviewing witnesses and plying their informants the way they always had (Kuykendall 1986; Johnson 1979). The patrol force also pioneered new crime prevention tactics. Most important, many departments stepped up officers' efforts to seek out would-be criminals on the streets by systematically deploying them where they thought trouble was most likely to arise (some agencies conducted elaborate analyses of the geographic distribution of crime, calls-for-service, and other policing "hazards" to decide where officers should patrol) and instructing them to stop, question, and frisk anyone who aroused their suspicions (Wilson 1950; Agee 2014, Fogelson 1977, Escobar 1999). Although police leaders like San Francisco's Thomas Cahill insisted that this strategy was a powerful tool for crime prevention, it became enormously controversial (Agee 2014). When police were instructed to look out for "persons who do not 'belong' where they are observed" and "automobiles which do not 'look right'" (as one *Police* magazine article put it), young Mexican men in Los Angeles and Black teens in New York suspected that they were not preventing crime so much as they were defending America's segregated urban geography (Escobar 1999: 12; Fogelson 1977; Agee 2014). A decade later, the Supreme Court would officially rule in *Terry v. Ohio* that police did, in fact, sometimes have the

legal authority to stop and frisk people in circumstances where they would not have enough evidence to arrest them. Whether it was wise to make heavy use of that authority as a crime prevention tool, as Cahill and others thought, has remained controversial down to the present (Skogan 2023).

Although the growing emphasis on “crime control” sometimes had a real impact on what officers did, at the end of the day other aspects of their role proved hard to abandon. As historian Robert Fogelson observed:

The banks, hotels, and department stores might endorse a scheme to concentrate on organized crime, but not if it meant that the police would no longer regulate traffic and reduce congestion in the central business district. The religious organizations might back a policy to focus on dangerous criminals, but not if it meant that the police would have to stop harassing small-time gamblers, prostitutes, and bootleggers. The commercial and industrial associations might applaud a scheme to crack down on racketeers and gangsters, but not if it meant that the police could no longer keep tabs on union organizers and left-wing radicals (Fogelson 1977: 107).

Moreover, reforms enacted in the name of “crime control” sometimes had significant unintended consequences. By far the most important development in 20th century policing was the rise of the radio-equipped patrol car during the 1930s, which (along with the spread of the personal telephone to most American households) fundamentally transformed police work: Where officers in the past had mostly spent their time on whatever assignment their immediate supervisors gave them (often at the behest of the police commanders and ward leaders who supervised *them*), the rise of the radio car meant that officers increasingly spent their time responding to any problem that anyone with a telephone considered important. That system was itself supposed to be a powerful crime-fighting tool—the police leaders and technology companies who championed it insisted that it would empower the victims of burglaries, robberies, and other serious crimes to summon the police immediately to catch the perpetrators before they escaped (or at least to interview victims and witnesses while their memories were fresh)—but the public had other

ideas. As city after city installed radios in their patrol cars, callers summoned them not to the scene of serious crimes but to noisy parties, loose dogs, traffic accidents, drunk customers, misbehaving boys, rowdy teens, obnoxious neighbors, suspicious strangers, and many other miscellaneous problems that had little or nothing to do with serious crime (Gillooly and Thacher 2024). One of the great ironies of police history is that reformers embraced this device for multiplying the demands that the public could make on the police at the very moment when talk of a “war on crime” was at its peak.

The continued and even increasing involvement of the police in a remarkably wide range of social problems had many important implications. Traffic enforcement brought police into contact with a much broader cross section of the population than they had ever interacted with in the past, and otherwise law-abiding drivers often resented the interactions; those encounters catalyzed significant changes in 4th Amendment law, police training, and police strategy (Seo 2019). The continued role of the police enforcing traffic laws and other minor offenses also sparked the development of new forms of police authority. Until at least the 1910s, officers trying to handle these infractions had no real legal recourse other than arresting the offender, yet that option usually felt like overkill. (When an officer arrested a carriage driver in the 19th century, the city had to impound his carriage and feed his horses until he got out of jail.) Beginning in New York City in 1910, courts and legislators began to develop the citation as an alternative to arrest for traffic offenses and other low-level violations (Thacher 2023a).

The continuing and even growing role of the police in morals enforcement also posed significant challenges. Driven partly by the cultural anxieties associated with rapid urbanization and immigration, the first half of the 20th century saw a resurgence of morals legislation. National prohibition is the most obvious example, but heightened concerns about sex, drugs,

obscurity, and subversive political beliefs reflected the same concern for private moral virtue even when it did not directly affect other people. Efforts to enforce these laws required much more intensive forms of surveillance than officers had typically used in the past—an earlier wave of state-level prohibition in the middle of the 19th century had collapsed largely because there was no effective way to enforce it (Thacher 2020a)—and they embroiled the police in legal, political, and social controversy for decades. Police agencies throughout the country established specialized vice or morals squads that used remarkably intrusive tactics to enforce anti-homosexual laws—installing one-way mirrors and fake air vents in public restrooms to spy on men using toilet stalls, sending plainclothes detectives into bars to find out whether they catered to gay clientele, and studying the cultural codes of gay life so that undercover officers could elicit obscene propositions that would justify an arrest (Lvovsky 2023). “Red squads” planted covert agents in communist parties, labor unions, and civil rights organizations in search of “radicals” and “persons making unpatriotic utterances” (as the LAPD chief put it in 1919); occasionally, they acted as agents provocateurs who tried to goad others to break the law (Escobar 1999; Guariglia 2023). Prohibition agents tapped telephone lines and infiltrated crime organizations to disrupt the illegal liquor trade (Johnson 2004), while juvenile divisions searched bookstores for obscene materials (Agee 2014) and narcotics units conducted buy-bust operations (Skolnick 1966). None of these tactics were entirely unprecedented, but the scale and intensity with which police used them represented a significant break from the past, and they ignited controversy in the courts and public debate.

Finally, throughout the 20th century police continued to play a significant role managing political protest. The surge of labor organizing between the two World Wars led to frequent strikes and demonstrations, and police routinely became embroiled in controversies about their

response. In Los Angeles, where the department operated as a brazen tool of the city's virulently anti-union business community, officers came under fire from labor activists who accused them of bullying union organizers, infiltrating labor organizations, and selectively protecting strikebreakers during strikes; in New York, where Mayor Fiorello LaGuardia took office with a pro-labor reputation, business associations and grand juries complained that police were too lenient with disorderly labor activists and too willing to authorize demonstrations, while the local ACLU chapter reported that it "rarely has occasion to criticize the conduct of police in strikes" (Escobar 1999: chs. 3, 5; Johnson 2004: ch. 5; Walker 1977: 146-51). Another, even more visible round of conflicts between police and protestors erupted during the civil rights movement of the 1950s and 1960s. As lunch counter sit-ins, bus boycotts, and freedom rides appeared throughout the South, police repeatedly arrested, ticketed, and even brutalized many of the participants. As protests grew and spread throughout the country, images of police officers wielding nightsticks, tear gas, fire hoses, and attack dogs against adults and children who were calling for an end to segregation shocked many Americans and sparked a series of official inquiries into the state of policing throughout the United States. As much as anything else, these dramatic and widely publicized incidents raised profound questions about whether the dominant reform agenda had lost sight of what truly mattered in policing (Johnson 2004; Fogelson 1977).

Organizational Context

Although reformers and police leaders did not have much success narrowing the police mandate, they did develop important new tools to shape policing in the streets. Indeed, a major thrust of 20th century police reform aimed to exert more organizational control over police work. Guided by the canons of "scientific management" that dominated thinking about organizations during this era, reformers and police leaders complained that the police agencies they had

inherited from the 19th century violated the principles of effective organization (Fogelson 1977). The trouble was that their agenda could not come to terms with the full range and complexity of the tasks that the public expected the police to perform.

The prominent police leader O.W. Wilson, who led the police departments in Fullerton, Wichita, and Chicago at various times between 1925 and 1967, illustrates the reformers' agenda concretely. According to his biographer, Wilson believed that rank-and-file officers "must be closely supervised, the subjects of massive policy pronouncements limiting their discretion, and consistently threatened with punishment lest they misbehave" (Bopp 1975: 134). To achieve these goals, he enthusiastically embraced the principles of bureaucratic organization, including clear chains of command, narrow spans of control, specialization of tasks, explicit delegation of authority, written policies, and close supervision of officers in the field. Wilson's ideas had an enormous impact, particularly through the influential textbook on police management that he updated continually until the end of his life, as well as his work as a consultant to dozens of police departments across the country.

Under the influence of reformers like Wilson, police departments in the first several decades of the 20th century consistently emphasized several key themes. The first was centralization of authority. To empower the chief to exercise greater control over police work, they tried to weaken the authority of the precinct commanders (even to shut down many precinct stations entirely) and transferred many important and delicate policing functions from the patrol force to central units that reported directly to the chief—vice squads, stolen auto squads, Italian squads, bomb squads, narcotics squads, juvenile squads, and many others, along with innumerable administrative functions like record-keeping, communications, and complaints (Fogelson 1977, Gillooly and Thacher 2024). The second theme was closer regulation of

officers' work. Although American police departments had always had long lists of rules, in the 20th century their volume and specificity exploded, along with new forms of record-keeping and supervision to monitor whether officers complied with them. Wilson, for example, established dozens of new routines and record-keeping systems in Wichita during the 1930s, and his time in the army during World War II only deepened his enthusiasm for bureaucratic order; when he took charge of the Chicago police department in 1960, his office quickly issued innumerable general orders, special orders, and training bulletins that specified the steps officers were expected to take to carry out a variety of tasks, from vetting a job applicant, to stopping a suspicious car, to answering the telephone. One bulletin itemized the duties a patrol officer was expected to perform when summoned to a crime scene (Bopp 1975: 201-2):

- Proceed to the scene with safety and dispatch.
- Render assistance to the injured.
- Effect arrest of perpetrator.
- Locate and identify witnesses.
- Interview complainant and witnesses.
- Maintain scene and protect evidence.
- Interrogate suspects.
- Note all conditions, events, and remarks.
- Arrange for collection of evidence.
- Report incident fully and accurately
- Yield responsibility to detectives.

The final theme of the reform agenda was expertise. Dismayed by how little even the most “advanced” police departments were doing to prepare officers for their jobs, innovative chiefs like August Vollmer and consulting outfits like the Bureau of Municipal Research successfully pressed at least a dozen departments to open police academies by the 1930s and raise the role of educational credentials and written exams in police hiring. Chief William Parker, who took the helm in Los Angeles in 1950, paid particular attention not only to recruit training for new hires but also to in-service training for current officers, developing an influential system of roll call “training bulletins” covering everything from how to book property when making an arrest, to

how to care for a patrol car, to how to handle calls related to mental illness. Regional and national training centers that focused on specialized issues like police management and traffic safety (such as the Southern Police Institute, Northwestern University's Traffic Safety Institute, and the FBI's National Academy) also emerged during this era, along with university-based educational programs in criminology and police science; Wilson himself served as Dean of the criminology school at Berkeley during the 1950s (Koehler 2015). In the same spirit, larger police agencies established research and planning divisions that provided analytic input for decisions about staffing levels, patrol assignments, and other operational issues. All of these efforts aimed to equip the police with a body of knowledge they could rely on to do their work, qualifying them as true professionals worthy of deference (Fogelson 1977; Lvovsky 2017).

This basic agenda of centralization, regulation, and expertise reshaped American police departments in dramatic ways over the first several decades of the 20th century, but it did not necessarily have much impact on officers' day-to-day work in the field. Although police departments created centralized units in droves and (eventually) shuttered many of their precinct stations, those changes did not always bolster the chief's authority as much as the reformers hoped. The new specialized units quickly developed loyalties to their own commanders rather than the chief, and they became embroiled in the same kinds of corruption that had plagued the precincts. Although the precinct commanders certainly lost power relative to the chief, often the chief's own influence over hiring, promotions, and discipline was eroded (ironically) by many of the civil service reforms that the reform movement had also championed (Fogelson 1977) and, later, by the job protections that police unions secured for their members (Schrader 2026).

Efforts to regulate police work in the field through training, rules, and record-keeping faced even greater obstacles. As the instructions Wilson issued to officers responding to crime

scenes illustrate, departmental rulebooks and training often embodied an abstract and stilted image of police work that glossed over the nuanced problems that officers routinely had to grapple with. Wilson's protegee Herman Goldstein, who served as his special assistant in Chicago, complained that the increasingly detailed proclamations issued by the chief's office usually ignored the complex discretionary judgments that police officers had to make, and the exhaustive audits of police activity that Wilson favored usually focused on bureaucratic minutiae (attendance at roll call, equipment condition, completeness of forms, and so on) that had little relationship to the quality of service that officers provided to the public (Goldstein 1977). Even the most elaborate of the new training programs and patrol guides said little about the most difficult and contentious decisions that officers faced, such as who to stop and frisk, when to send a radio car in response to an emergency call, whether to arrest a protester who blocked traffic or accosted strikebreakers, or how to handle someone undergoing a mental health crisis (Goldstein 1963; Gillooly and Thacher 2024; Thacher 2026). In this respect police agencies often became mock bureaucracies—organizations that made an elaborate show of rigid oversight by propagating detailed rules and procedures but that ultimately did little to guide the most important work officers were expected to do.

Consider, once more, the use of force. Unlike police corruption, which involved clear violations of the law that could be captured by bright-line rules, police use of force often required complex moral judgments. When, exactly, was an officer justified in using his fists, his nightstick, or his gun? When should officers use tear gas to control rioters? Should they shoot a fleeing robber who was armed with a gun? The mountain of general orders and training bulletins that accumulated over the first several decades of the 20th century almost never addressed crucial questions like these. When the President's Commission on Law Enforcement and the

Administration of Justice looked into use of force policies in the late 1960s, it found that policies governing this central aspect of police work were severely underdeveloped. Most agencies had no policy governing firearm use at all, and even those that did were often vague. In a study of cities larger than 250,000, where formal policies were most likely to exist, a quarter of the firearms policies simply urged officers to “exercise the greatest possible caution” or use “good judgment”; three had no policy at all (President’s Commission 1967: 189). Absent clear rules, excessive force rarely led to significant discipline (Johnson 2004). In this respect, very little progress had been made in controlling police use of force since the late 19th century.

There were exceptions, particularly when it came to the most unequivocal forms of police brutality. Early in the 20th century many cities saw widespread allegations that police tortured confessions out of suspects using the so-called “third degree”—beating them, depriving them of food and water, holding them incommunicado for days, confining them to small and nearly airless “sweatboxes”, and other forms of physical and psychological coercion (Dale 2016). Even in this case some police leaders did little to rein in police abuse at first. Shortly before a federal commission chaired by former Attorney General George Wickersham released an explosive report documenting the use of the third degree in Chicago and other cities, Chicago Police Chief John Garrity, facing calls for an investigation of his detectives, insisted that it was unnecessary because his department did not use the third degree; after all, he had recently banned it in a memo (Dale 2016). After the Wickersham Commission’s report drew intense national attention to the problem two years later, Chicago and most other cities did finally take aggressive action to combat it, and allegations of its use declined significantly. Less egregious forms of excessive force, however, received only intermittent attention until the 1970s (Johnson 2004; Dale 2016).

In short, although the reformers had expanded the patrol guides and training curricula dramatically, their mountain of guidance and control barely touched this most momentous aspect of police work. Whether that gap reflected an inherent limitation of the reform agenda or a correctable oversight remained to be seen.

Politics and Law

A common story about 20th century police reform holds that one of its main aims and achievements was to remove the police from politics. The reformers definitely upended some forms of political control that had shaped 19th century policing (such as the patronage hiring system in cities that had not already abolished it), but it is not correct to say that police departments became insulated from politics in the 20th century. What happened instead was that the structures of political and legal oversight over municipal policing were transformed, empowering new stakeholders and interests as they disempowered others. Politics is an unavoidable feature of policing—one of the most significant functions that democratic governments perform, and one that raises profound questions about priorities and basic values. As Fogelson puts it: “No institution which had so great an impact on the lives and livelihoods of so many citizens could have been separated from the political process. Nor, so long as the nation was committed to democracy and pluralism, should it have been” (Fogelson 1977: 112). The question to ask about politics and policing is not how much politics there is, but what kind—in what ways the political and legal structures that govern policing channel the range of interests and rights that are brought to bear on it.

19th century policing had been radically decentralized, in that precinct commanders and ward politicians typically exercised more influence than the police chief and the mayor. That system supported a particularistic form of oversight—one that made it possible to adapt policing

closely to the mores of particular neighborhoods (or at least those of their dominant political forces), but it also fueled inconsistency, inequality, and discrimination against outsiders (Miller 1977).

The centralizing agenda of 20th century police reform disrupted this arrangement, shifting the locus of political influence over police priorities from neighborhoods to the city as a whole. That shift was itself a political choice—typically it was an attempt to wrest power away from the working-class immigrant groups that dominated neighborhood politics on behalf of the middle- and upper-class native-born Americans who dominated municipal politics—and it had many important consequences. One was that policing lost some of the role it had traditionally played as an engine of social mobility for new immigrant groups, who had been able to enjoy a stable, relatively well-paid job in exchange for supporting the neighborhood political leaders who got the job for them (Fogelson 1977). Another was the resurgence of attention to morals enforcement noted earlier, which appealed to the upper-middle-class groups who dominated citywide politics but that many neighborhood politicians had resisted (Fogelson 1977). A final consequence was that policy issues related to policing had to be debated in more generalized terms than they had been in the older, more decentralized model, with the result that political oversight simply did not have much impact on the aspects of policing that city residents often cared about (Wilson 1968).

To a more limited extent, 20th century police reform shifted some of the authority to shape policing out of the local realm altogether, as state and federal governments gained more influence over municipal police departments. Although their authority would take some time to mature, some state governments began to regulate police training and hiring practices more aggressively by the 1960s, and some of them established statewide crime investigation bureaus

that could provide technical assistance, forensic analyses, and other services for local agencies investigating complex crimes. Federal intervention also grew modestly during this era, as the FBI established training, technical support, and a national fingerprint database for local agencies and the Department of Justice took up a number of civil rights cases involving local police departments—predominantly (but not exclusively) in the South (Cole 2001; Johnson 2004: 224-5). The federal role in local law enforcement took another turn at the end of the 1960s, when the President’s Commission on Law Enforcement and the Administration of Justice issued an influential series of reports outlining a new agenda for police reform, and Congress finally enacted the first significant revenue-sharing program for law enforcement in American history (Hinton 2016).

Political power was not simply reallocated among existing structures of political influence during this era; new centers of influence also emerged. The most important was the establishment of police unions after World War II. Since the 19th century, fraternal and benevolent associations had provided financial support for injured officers, lobbied political leaders on behalf of their interests, and offered a social outlet for members, but those organizations lacked the authority to engage in collective bargaining, deduct dues from their members’ paychecks, and exercise other powers associated with true unions. When police officers in Boston, Cincinnati, Washington, and other cities tried to unionize in the 1910s and 1920s, city leaders shut them down forcefully, but a second wave of police unionization reemerged in the 1950s. Concerned about public criticism, a decline in wages relative to factory workers, and the flood of nitpicking regulations and scrutiny they were increasingly subjected to, police officers were eager to band together for protection. Since firefighters, teachers, and other

public sector workers had formed their own unions by this time, it was hard for courts and city officials to justify denying the same opportunity to the police (Fogelson 1977: ch. 8).

The unions that emerged from this wave of organizing began to play a significant role in policing, contesting the power of police managers and political leaders to shape the character of policing (Schrader 2026). They did so not just by fighting for better wages and benefits, but also by opposing some of the reforms that police leaders and others sought to implement, such as civilianization, college credit requirements for promotions, affirmative action, use of force restrictions, one-man patrol cars, nametags on police uniforms, and polygraph tests during disciplinary investigations (Fogelson 1977; Schrader 2026). Police unions pursued that agenda not just in labor contract negotiations but also in local, state, and federal policymaking, becoming an important force at all levels of American politics by endorsing candidates, lobbying for new laws, and appealing directly to the public (Schrader 2026).

Police unions fought with particular vigor against proposals to establish civilian complaint review boards—yet another development in the structure of police oversight during this era (Johnson 2004; Schrader 2026). In city after city, civil rights activists and racial justice groups who believed that officers were violating peoples’ rights with impunity called on city leaders to establish new civilian agencies, separate from the police department, with the authority to investigate complaints of wrongdoing and recommend appropriate sanctions; police unions consistently opposed those calls (Hardaway 2022; Schraeder 2026). Those battles vividly illustrate the widening range of interests that increasingly fought over control of the police.

Finally, and perhaps most important, legal oversight over policing also underwent a fundamental transformation during this era. While early 20th century police were only weakly governed by the courts, by 1970 a wide range of new legal constraints had taken root. The most

visible changes involved the changing law of criminal procedure, where public and judicial unease about intrusive surveillance, aggressive interrogation, and other controversial police tactics led the courts and legislatures to try to rein them in; most famously, major cases like *Mapp vs. Ohio* and *Miranda vs. Arizona* prohibited the use of evidence that police had gathered in violation of the 4th, 5th, and 6th Amendments in criminal trials (Walker 1993: ch 2; Lvovsky 2023).⁵ Civil rights organizations like the NAACP and the ACLU began to help plaintiffs sue officers and departments for false arrest, excessive force, and other rights violations, staking out a new strategy for legal control of the police that would eventually have a major impact on policing (Epp 2009; Goluboff 2016). Finally, civil rights lawyers and legal scholars attacked the legitimacy of many of the laws that police officers enforced, lobbying courts and legislatures to invalidate, repeal, or modify statutes that prohibited vagrancy, loitering, obscenity, public drunkenness, and many other public order offenses—laws that police had repeatedly used to harass civil rights demonstrators, beatniks, racial minorities, gays and lesbians, hippies, and other dissident groups (Goluboff 2016).

It is hard to tell how much impact these legal changes had. For one, the legal changes that unfolded in this era did not all point in one direction: Even as courts and legislatures sought to restrict police authority more tightly in some areas, they moved to expand it in others, bolstering police arrest authority (Warner 1942), extending greater deference to police expertise (Lvovsky 2017), solidifying stop and search authority (Goluboff 2016), and restricting the traditional right to resist unlawful arrest (Chevigny 1969). Moreover, even when courts and legislatures deprived police of one form of legal authority, officers often proved resourceful in finding substitutes.

⁵ *Mapp* specifically held that evidence the police gathered in violation of the 4th Amendment could not be used in a criminal case, while *Miranda* held that statements made during a police interrogation could not be used unless the person making them had been advised of his rights.

After some jurisdictions repealed their public drunkenness statutes, the number of disorderly conduct arrests immediately rose (Daggett and Rolde 1980); and after federal courts imposed more stringent criminal procedure rules, officers sometimes turned to alternative tactics like consent searches (*Miranda*'s "right to remain silent" rule was partly a response to the perceived weaknesses of earlier criminal procedure rules that had banned coercive interrogation) (Dale 2016). Finally, and relatedly, legal rules are at best a blunt tool for regulating the complex decisions that police officers have to make in the field—perhaps capable of controlling the most egregious violations of individual rights but not shaping more subtle aspects of police work (Amsterdam 1970; Bittner 1970). If legal oversight was to help safeguard individual rights successfully, it would need to do more than regulate individual police actions one-by-one (Dale 2016: 89-90); it would need to effect broader cultural and organizational changes in policing (Walker 1993).

1970 to the Present

As the story of police history moves closer to the present, it begins to blur with the issues covered elsewhere in this book, so this section will be briefer and more tentative than the others. I will reverse the order of the topics discussed in the past two sections, moving from political and legal oversight, to organization, to the work that officers ultimately do in the field.

The structures of political oversight that govern the police have undergone modest changes over the past half century. State-level oversight has increased in significant ways, particularly through the rapid spread of police officer standards and training bodies; by the end of the 1960s only a handful of states had commissions that established and monitored minimum standards for hiring, training, and other aspects of local policing, but today every state in the country has one. At the local level, city councils, mayors, and city managers generally play the same role they

have always played since reformers successfully centralized political oversight of policing in the middle of the 20th century, influencing the direction of each department by choosing its chief, approving its budget, and occasionally imposing particular mandates and rules related to especially high-profile issues.⁶ These political choices continue to produce dramatic differences in policing practices across cities and within a single city over time—for example, in how often police officers use their authority to stop and frisk people they consider suspicious (Skogan 2023). During the heyday of community policing from the late 1980s through the early 2000s, many cities augmented this routine political oversight of policing by creating new opportunities for the public to influence police priorities, especially through regular neighborhood meetings that resembled the more decentralized forms of political input that had prevailed a century earlier. At their best, those arrangements provided a forum for debating police priorities and formulating appropriate strategies in a more concrete and nuanced way than citywide politics and bureaucratic planning allowed (Fung 2004), but in many cities they have been little more than window dressing (Cheng 2024). Finally, public police forces are increasingly governed by private businesses, particularly insurance companies and policy shops like Lexipol, which provide off-the-shelf policies for purchase (the patrol guides for some cities are now almost entirely written by Lexipol) (Rappaport 2017; Eagly and Schwartz 2018). Since the 1960s, the vast majority of cities have begun to purchase liability insurance from municipal risk pools and private insurance companies to insure against lawsuits for false arrest, excessive force, and other forms of police misconduct; those institutions sometimes exercise significant influence over the local police departments they insure, demanding changes to vehicle pursuit policies, mental

⁶ More recently, a few cities have established police auditors that augment the capacity of elected officials, city managers, and community groups to understand and influence police practices and priorities. This development could potentially transform political oversight of policing in a fundamental way, but so far only a handful of cities have adopted it (Walker and Archbold 2014: ch. 6).

health training, hiring standards, and many other aspects of policing previously subject to regulation only by state and local governments (Rappaport 2017). This surprising and often unnoticed development raises profound questions about democratic control over public police departments.

Legal oversight of policing has also changed in significant ways since the 1960s. Indeed, the influence of the insurance industry ultimately rests on the law of civil liability, which has become a much more significant force in policing over the past half century. After federal courts expanded the possibilities for suing police officers who violated an individual's rights in the 1960s, the number and size of these suits rose sharply (Epp 2009). Indeed, in recent decades the center of gravity of the law's influence over policing has arguably migrated away from criminal procedure rules like *Mapp* and *Miranda* and towards civil suits for police misconduct (Harmon 2017). Whether those suits ultimately have much impact on policing practice is debatable: Despite the sometime eye-popping sums that courts have increasingly awarded, the mechanisms by which those awards are paid out often provides little incentive for agencies to make changes that might prevent similar kinds of misconduct in the future (Schwartz 2016). Moreover, civil suits reinforce the view that police misconduct is the result of bad decisions by individual officers that can be eliminated through stricter rules, tighter oversight, and more consistent sanctions, rather than structural problems like poor training, inadequate equipment, and misguided strategies. Legal doctrine has made it much harder to hold *departments* accountable for those structural failures, though a 1994 law empowering the federal Department of Justice to bring suits against police departments engaged in a pattern or practice of rights violations established one potentially important tool for doing that, and a few states have passed similar laws that grant their state attorneys general similar authority (Harmon 2017).

Finally, the organizational context of policing has also changed significantly over the past half century, as the development of new types of administrative expertise, surveillance technologies, computerized data analysis, professional networks, and legal oversight have catalyzed a number of important changes. Changes in police training are particularly notable. When the President's Commission on Law Enforcement and the Administration of Justice studied police training programs in 1967, it found that most small and medium-sized cities (those with a population below 250,000) required less than a month of training for new recruits and provided no in-service training at all; the training they did provide consisted mostly of classroom lectures (President's Commission 1967). Today, the average recruit must complete 20 weeks of training, and most academies incorporate role-play and scenario training that are better able to grapple with the intricacies of police work than the classroom modalities of the past (Buehler 2025). The demographics of police departments also changed markedly during this period, as the number of minority officers (and to a lesser extent the number of female officers) has increased significantly in many places, often in response to pressure from the courts (McCrary 2007, Sklansky 2006). Finally, most departments have dramatically expanded the number and detail of the rules they expect officers to follow (often at the urging of insurance companies, state oversight bodies, accreditation boards, and police professional associations). Many of them have also adopted tools that allow supervisors to monitor whether officers comply with those rules such as body cameras and data systems, though whether individual departments actually use those tools to monitor and evaluate officers' actions varies widely from one place to the next (Walker and Archbold 2014). One of the most celebrated administrative innovations of the past few decades involved the use of computer technology to organize data about police work so that

police leadership could exercise more influence over officers in the field (Willis, Mastrofski, and Weisburd 2004).

Many of these recent changes in American policing seem to continue the legal-bureaucratic model of police reform that emerged earlier in the 20th century, relying heavily on centralization, rules, and expertise (Sklansky 2011). That basic model has had important benefits, which can be illustrated by returning one last time to the use of deadly force. Beginning around 1970, many police departments finally enacted more vigorous controls over the use of deadly force—most famously the NYPD under commissioner Patrick Murphy in 1972. Under fire from the community after an officer shot and killed an 11-year-old boy, Murphy adopted several of the key recommendations that the President’s Commission on Law Enforcement and Criminal Justice had made a few years earlier, establishing several bright-line rules that restricted the use of firearms in certain situations (such as prohibiting warning shots and firing a gun at or from a moving vehicle) and creating a new Firearms Discharge Review Board that would investigate every instance in which an officer fired his gun. Officer-involved shootings quickly fell by one-third even as crime and arrest rates in the city were rising (while NYPD officers had fired 1 shot for every 48 felony arrests they made in 1971, they only fired 1 shot for every 87 felony arrests in 1975) (Fyfe 1979). Unlike so many of the rules that reformers had articulated in the past, these were clear and directly relevant to the decisions that officers made in the field. By enforcing them vigorously—during its first three years, the FRB concluded that roughly a third of the police shootings it reviewed were unjustified—the NYPD was able to change police behavior on the streets in a dramatic way (Fyfe 1979). The point is not, of course, that the problem of unjustified police shootings has been solved, but that administrative tools that can help control them are now readily available; the departments that continue to operate without them are simply

derelict in their duty to ensure that officers use their most profound form of authority in a responsible way. The same holds for other policing practices capable of relatively clear and unambiguous articulation, such as vehicle pursuits and taser use.

The more difficult question is whether this approach has had (or could have) much impact on the bulk of the work that police officers do, which often seems less amenable to bright-line rules and objective monitoring. Questions about the appropriate way to respond to mental illness, homelessness, domestic violence, and many other problems; about when officers should and should not use their authority to stop and frisk someone on the street; about the strategies they should use to combat youth violence; about the proper approach to political protests; and, indeed, about when it is appropriate to use force (even deadly force) outside of the very specific contexts covered by bright-line rules like the NYPD's all require more complex answers than the legal-bureaucratic model of policing has been able to provide (Thacher 2020b).

In response to this worry, some of the most interesting reform models of the past half century have tried to develop new, more complex forms of guidance and support for officers—in effect, to develop a post-bureaucratic form of organization that acknowledges the value of centralized authority, rules, and generalized expertise for efforts to resolve some problems but insists that those tools are powerless or even counterproductive when applied to others. The most well-known of these models is community policing, which advocates for community involvement identifying police priorities (rejecting the idea that police have a monopoly on the relevant expertise), the development of tailored strategies to resolve important neighborhood problems (rather than routine responses dictated by existing rules), and decentralization of authority to the neighborhood level to make all of this possible (rejecting the centralization championed by mid-century reformers) (Fung 2004, Sklansky 2011, Forman 2004; Skogan 2019). In a similar spirit,

problem-oriented policing emphasizes close study of the concrete problems that officers routinely encounter, detailed scrutiny of the existing response to those problems, and a wide search for alternatives that may set existing standard operating procedures aside to target specific problems in unique contexts. In Herman Goldstein's influential account of this model, its animating ideal is a rejection of the rigid routines associated with the legal-bureaucratic model of police organization that he observed first-hand in O.W. Wilson's Chicago (Goldstein 1979, 1990; Thacher 2023b). Finally, the more recent practice of "sentinel event reviews" (which borrows heavily from "learning from error" initiatives in health care, aviation, and other fields) closely study adverse outcomes in policing like wrongful arrests, fatal vehicle pursuits, and officer-involved shootings, aiming to identify the factors that contributed to them and to develop interventions that might prevent them; that approach and related strategies for controlling the use of force in policing rest on a similar view about the limits of the legal-bureaucratic model and the alternatives that might help move beyond it (Doyle 2012, Thacher 2020b).

Conclusion

The problems we expect the police to manage, the tools they use to manage them, and the way all of this work is organized and governed have all changed dramatically over the past 400 years. Policing does not inherently take any one form, and it does not unavoidably serve any one purpose. It has always been a product of the society that surrounds it.

That does not mean that it is easy to reshape policing however we please. The choices made by police leaders, legislators, activists, judges, patrol officers, and many other stakeholders have certainly influenced what police officers ultimately do in the field, but not always or even usually in the way that they hoped they would. The mechanisms available to influence police work have always been limited, and efforts to strengthen them have had uneven success, with

many unintended consequences along the way; the organizational infrastructure of policing remains a work-in-progress. Moreover, because policing always raises controversial questions about the values and priorities that should guide it, its character depends on the legal and political structures that govern it. Those structures have also evolved in dramatic ways over time, elevating one set of rights and interests at one moment and a different set at the next; they, too, remain a work-in-progress.

The importance of all of this work is hard to overstate. It is the work of trying to ensure that one of our most important institutions will serve the interests and protect the rights of everyone in America's diverse and complex society.

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