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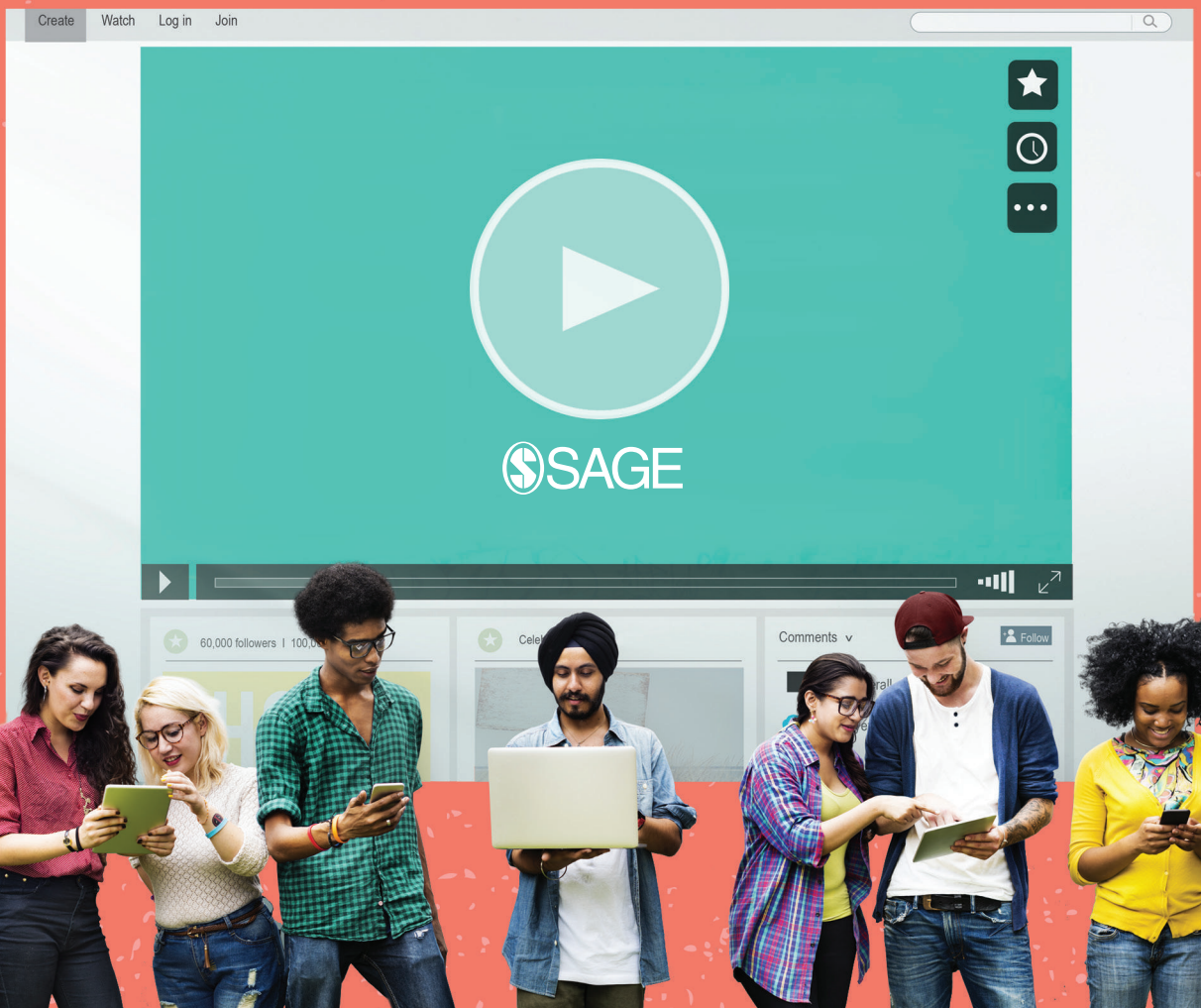

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FOR INFORMATION:

SAGE Publications, Inc.
2455 Teller Road
Thousand Oaks, California 91320
E-mail: order@sagepub.com

SAGE Publications Ltd.
1 Oliver's Yard
55 City Road
London, EC1Y 1SP
United Kingdom

SAGE Publications India Pvt. Ltd.
B 1/I 1 Mohan Cooperative Industrial Area
Mathura Road, New Delhi 110 044
India

SAGE Publications Asia-Pacific Pte. Ltd.
18 Cross Street #10–10/11/12
China Square Central
Singapore 048423

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Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Names: Brandl, Steven G. (Steven Gerard), author.

Title: Police in America / Steven G. Brandl, University of Wisconsin–Milwaukee.

Description: Second edition. | Los Angeles : SAGE, [2021] | Includes bibliographical references and index.

Identifiers: LCCN 2019030316 | ISBN 9781544375830 (paperback; alk. paper) | ISBN 9781544375816 (epub) | ISBN 9781544375809 (epub) | ISBN 9781544375793 (ebook)

Subjects: LCSH: Police–United States. | Law enforcement–United States. | Police administration–United States.

Classification: LCC HV8139 .B736 2021 | DDC 363.20973–dc23

LC record available at https://lccn.loc.gov/2019030316

Acquisitions Editor: Jessica Miller
Content Development Editor: Adeline Grout
Editorial Assistant: Sarah Manheim
Marketing Manager: Jillian Ragusa
Production Editor: Sarah Downing
Copy Editor: Karin Rathert
Typesetter: Hurix Digital
Proofreader: Theresa Kay
Indexer: Sylvia Coates
Cover Designer: Janet Kiesel

This book is printed on acid-free paper.

20 21 22 23 24 10 9 8 7 6 5 4 3 2 1

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PREFACE

POLICING is inherently controversial, and police work is extraordinarily challenging. There are higher expectations, greater scrutiny, and more calls for accountability of the police in the twenty-first century than ever before. In this environment, it is critically important that students have an accurate understanding of police in our society and be able to differentiate fact from fiction in matters relating to the police. Unfortunately, much of what we believe about policing is based on false or unsubstantiated assumptions, or misleading representations of it. These inaccuracies help fuel the controversies of policing as well as disagreements about how it can best be performed. *Police in America* addresses this issue by providing a real-world fact-based discussion of policing in the United States.

If an accurate understanding of the police in America is the goal, then a discussion of the research that has been conducted on policing is a primary means to reaching that goal. Research findings can identify and dispel the many myths, misconceptions, and false assumptions of policing. Research also can also help identify best practices in policing as well as those practices in need of improvement. An emphasis on research is also especially important given the current trends toward evidence-based policing. *Police in America* emphasizes police research. This emphasis does not mean that the text is complicated or difficult to read, however. In fact, the opposite is true: The text is easy to read and accessible to students. It is written in a straightforward and conversational manner.

Police in America provides a realistic portrayal of the police. It provides a multitude of examples of how policing is conducted in agencies across the country. It emphasizes positive aspects of policing but does so without ignoring or sugar-coating the controversies of police work. The media tend to focus on negative incidents by highlighting the bad or questionable conduct of a few officers. Although there are certainly lessons to be learned from such incidents, these images and stories can provide an inaccurate overall picture of the police. The reality is that exemplary police work is being performed by police officers and law enforcement agencies throughout the country. *Police in America* highlights some of this work.

Police in America also incorporates several other themes, including the following:

- Ethical policing: Because of the nature of the work and how the decisions of officers may affect citizens and the community, it is essential that students consider what constitutes not only a legally good decision but also a *morally* good one.
- Critical thinking: Students should be able to think critically about the complex problems and issues involved with policing.
- The impact of technology: The technological tools of policing have changed dramatically over the years, and it is important to understand how technology has fundamentally altered the nature of it.
- Diversity: To understand policing today, one must appreciate the modern-day and historical roles of race and diversity. Some of the most challenging issues of policing today are at least partly based on race.

The contributions of police research, positive aspects of policing, ethics, critical thinking, the role of technology in police work, and diversity issues are emphasized throughout *Police in America*. The text offers several features in each chapter to help establish an accurate

understanding of the police in America. These features allow students and instructors to explore significant issues and questions relating to the police. The features consist of the following:

- Police Spotlight: These features introduce each chapter and discuss a particular police policy, program, or other issue that relates to the topic of that chapter.
- A Research Question: These features highlight an interesting and important research study relevant to the topic of each chapter.
- Good Policing: Each of these features includes an example of a police program, policy, or issue that relates to effective, efficient, equitable, innovative, or ethical policing.
- A Question of Ethics: The questions presented in these features relate to the topic of the chapter and require students to think critically about that particular moral or ethical issue.
- A Question to Consider: Each of these features offers a question related to the topic at hand for students to consider, answer, and/or discuss.
- Technology on the Job: These features highlight and examine a particular technology used by the police while on the job.

With regard to the unique content of *Police in America* and the issues discussed in the book, especially noteworthy are the separate chapters on police discretion and ethics (Chapter 8), the law (Chapter 9), health and safety issues in police work (Chapter 10), police use of force (Chapter 11), crime detection and investigation (Chapter 7), and intelligence-led and evidence-based policing (Chapter 14). Each of these chapters is extremely important in developing a solid understanding of the police in America, and it is through their inclusion, along with comprehensive and timely coverage of other critical topics, that *Police in America* clearly differentiates itself from other texts.

With regard to the overall content and organization of the text, the first four chapters provide a foundation for the study of the police (the history of the police, role and function of the police, characteristics of police organizations). The second section of the book includes five chapters that examine the nature of police work (police recruitment, selection, and training; police patrol; criminal investigation; discretion and ethics; and the law). The third section is devoted to the hazards of police work and provides a discussion of health and safety issues, police use of force, and police misconduct. The last section includes three chapters on the most recent strategies of policing (problem-oriented policing, evidence-based policing) as well as a discussion of the future of policing.

Police in America provides students with a substantial understanding of the role and function of police in the United States.

NEW TO THIS EDITION

All figures and statistics have been updated, and a multitude of new media and scholarly articles have been incorporated into the discussion provided in each chapter. Many discussions have been revised for purposes of clarification or succinctness. While the second edition incorporates new discussions of several critical topics, it is approximately the same length as the first edition. All existing features remain with "Research Spotlight" changed to "A Research Question." Beside these changes, listed below are the most significant changes that have been made for the second edition of the book.

Chapter 1

- New information on police-citizen contacts
- New information on body-worn cameras (BWCs)
- New information on police–citizen cooperation (and lack thereof) as a challenge of policing
- New "A Research Question" (media and citizens' attitudes toward the police)

Chapter 2

- New information on women and people of color police officers
- New "Good Policing" (good policing changes over time)
- New/revised "A Research Question" (current state of police research)
- New information about changes in policing during the community problem-solving era

Chapter 3

- New "Police Spotlight" (police officer salaries and possible consequences)
- New "Good Policing" (police as warriors versus guardians)

Chapter 4

- New "Police Spotlight" ("Scoop and Run" in the Philadelphia PD, nontraditional police task)
- New "Good Policing" (the need for new measures of police effectiveness)
- New section on police responding to people in need, people with mental illness, crisis intervention teams
- New section on police use of Narcan

Chapter 5

- New "Police Spotlight" (San Diego PD recruitment efforts)
- New information on police salaries
- New "Research Question" (how male and female college students perceive a police career)
- New information about diversity of police officers
- New "Good Policing" (Tulsa PD recruit training)

Chapter 6

- New information on foot patrol
- New "A Research Question" (CCTV and directed patrol)
- New information on traffic stops
- New information on stop, question, and frisk

Chapter 7

- New "Police Spotlight" (ancestry DNA and the Golden State Killer)
- Moved material on "proof" to Chapter 9
- New "A Research Question" (secondary transfer of DNA)
- New information on DNA and DNA analysis
- New information as video as evidence

Chapter 8

- New information on BWCs
- New information/section on race and implicit bias
- New information on de-policing and Ferguson Effect
- New "A Research Question" (BWCs)
- New "Good Policing" (BWCs)

Chapter 9

- New discussion of proof and probable cause
- Many revised discussions to shorten the chapter
- New section on juveniles and the Miranda requirement

Chapter 10

- New "Police Spotlight" (dealing with event trauma)
- New "A Research Question" (shiftwork, fatigue, and gender)
- New information on body armor

Chapter 11

- New "Police Spotlight" (de-escalation)
- New "Good Policing" (transparency in police use of force)
- New information on police use of force
- New "A Research Question" (but still suicide by cop)
- New information on police use of robots and drones
- New reorganized section on the control of police use of force
- New information/sections on de-escalation, early intervention systems, BWCs

Chapter 12

- New "Police Spotlight" (still Denver PD police complaint mediation program)
- New information on numerous chapter topics
- New information on perceptions of police honesty and ethics

Chapter 13

- Added many examples of community policing in various police departments
- New information on law enforcement use of social media
- New information on community policing versus problem-oriented policing
- New "A Research Question" (procedural justice)
- Added many examples of problem-oriented policing (with a new diagram)

Chapter 14

- New "Police Spotlight" (smart policing in Chicago)
- New information on smart policing (its meaning changed since the first edition)
- New information to clarify various strategies discussed in the chapter, including how these strategies may be controversial
- New "Good Policing" (a problem-oriented approach to CompStat)
- New "A Research Question" (crime analysis)

Chapter 15

- Condensed discussion of terrorism
- New "Research Spotlight" (far-right extremism)
- New information about future of policing including militarization of the police
- New "Good Policing" (BWCs and accountability)
- New information on the future technologies of policing

ACKNOWLEDGMENTS

MANY people helped make this book a reality, and I am very appreciative for each of them. The influence of Gary Cordner (Emeritus Professor, Kutztown University) can be traced back to the very beginnings of this book and his assistance is well reflected in this edition as well. Thanks Gary. I also acknowledge Jerry Westby, former publisher at SAGE, whose good decisions and persuasive talk led to the creation of the first edition of this book. The success of this book is due in large part to the dedication of the entire SAGE team. Jessica Miller and Adeline Grout are an author's dream come true and were always a pleasure to work with. I also would like to acknowledge the hard work of Sarah Downing and Karin Rathert. These individuals also helped make this an outstanding text.

Many law enforcement professionals assisted me either directly or indirectly with this book. In particular, I would like to acknowledge the assistance of Chief of Police Edward Flynn (retired) and Inspector Jutiki Jackson of the Milwaukee Police Department; Chief of Police Kenneth Meuler of the West Bend (Wisconsin) Police Department; Chief of Police Peter Hoell of the Germantown (Wisconsin) Police Department; and Chief of Police Peter Nimmer of the Shorewood (Wisconsin) Police Department. Also so important in shaping my world-view of the police and this book are the multitude of police officers that I have worked with and studied over the years. You expanded my reality by letting me be part of yours. Thank you.

I'd like to acknowledge the support and assistance of several colleagues on this and related projects: Professor Meghan Stroshine of Marquette University, Professor Robert Worden at the University at Albany, Professor James Frank at the University of Cincinnati, and Professor Matt Richie of the University of Wisconsin–Oshkosh. Good friends, excellent colleagues, and outstanding scholars.

I would also like to thank University of Wisconsin–Milwaukee graduate students Amber Krushas and Kevin Schlichter who assisted greatly with the second edition of *Police in America*. Thank you to Nadine Rodriguez for preparing the excellent online resources for the second edition.

Many reviewers of earlier drafts of the book also deserve acknowledgment for improving the final product.

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Finally, on a personal note, I gratefully acknowledge Katy, David, and Laurie. Among so many other things, you keep me grounded and provide perspective. Thank you for your love and support.

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Part I
FOUNDATIONS FOR THE STUDY OF THE POLICE

Chapter 1: An Introduction to the Police in America 3

Chapter 2: The History of the Police in America 19

Chapter 3: The Characteristics and Structure of Police Organizations 37

Chapter 4: The Role of the Police 63

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1
AN INTRODUCTION TO THE POLICE IN AMERICA

Police Spotlight: What It Takes to Be a Good Police Officer

"Policing a democracy is not an easy task. It's difficult and messy. Yet police in a democracy must *always* operate within the rule of law. They must *always* apply our shared values to the difficult daily tasks of resolving conflict, protecting unpopular people and causes, and always acting fair and respectful to those who at the time are not conducting themselves properly—those who are intoxicated, affected by other drugs, surly, disrespectful, and even violent. That's what police in a Bill of Rights do. And those who wish not to do that should not be our police.

So who can perform such a difficult task? I have said this before and I will say it again—only those who are the best of us, only those who are well-educated and well-trained, and only those who know about and can put into practice our closely-held and core values of freedom, individual rights, rule of law, fairness, and equality."[1]

—David C. Couper, former Madison (WI) police chief

THE aim of this chapter is to introduce the fundamental purposes of and controversies involving the police and to discuss how police officers are constantly dealing with ethical and moral issues in their work.

INTRODUCTION

When you think of *the police*, you most likely envision officers who work in local police agencies, such as the police in your city or county police departments. Officers who work in these agencies are the police you are most likely to see and with whom you are most likely to interact. However, there are many other law enforcement agencies, including state and federal law enforcement agencies. The focus of this book is on general service police agencies that have responsibility for

Objectives

After reading this chapter you will be able to:

1.1 Explain the challenges associated with policing a free society

1.2 Discuss the tension between citizens' rights and police power

1.3 Explain how the police are accountable to citizens

1.4 Identify and discuss the controversies and difficulties of policing

1.5 Discuss how police use of discretion and police use of force can make the police controversial

1.6 Discuss why ethical conduct of police officers is an especially serious concern

Fact or Fiction

To assess your knowledge of the police prior to reading this chapter, identify each of the following statements as fact or fiction. (See page 16 at the end of this chapter for answers.)

1. The best source of knowledge about the police is your previous interactions with them.
2. There is a trade-off between citizens' rights and police power. If there is more of one, there is less of another.
3. As long as the police avoid overpolicing, they will not be subject to criticism.
4. The use of deadly force is often considered the ultimate discretionary decision made by police officers.
5. Defining good policing is not difficult; it is simply the number of arrests made, the number of crimes solved, and the number of citizen complaints received.
6. The media tend to focus on bad police officer behavior.
7. As long as the police pursue reasonable and legitimate goals, the means used to achieve them are not a major issue.

Photo 1.1
Interpretation of inkblots may depend on a person's personality and experiences. ©iStockphoto.com/akova

crime prevention and investigation, order maintenance through patrol and other means, and the provision of other miscellaneous services. Although state and federal investigative agencies have an absolutely critical role in law enforcement efforts, in this book, limited attention is paid to the unique and specific issues associated with the operation of these organizations.

Prior to officially becoming a member of a police force, officers take a sworn oath to support the laws of the United States, their state, and their community. This is the basis for the frequent reference in this book to *sworn officers* in contrast to *civilians* who also work in police departments. Sworn officers have the authority to make arrests and to legitimately use force. As discussed throughout this book, when all the layers of complexity are stripped away, the bottom line is that it is these two fundamental powers of the police—the authority to make arrests and to use force—that can make the police controversial. Some of this controversy is reflected in the strong and varied views of citizens about the police. Some people see the police as a problem; some see the police as the solution. Some people see the police as friend; some see the police as foe. The police are, as explained decades ago by sociologist Arthur Niederhoffer, a Rorschach test in uniform.[2] Our views toward the police are shaped by our experiences with them, by other people's experiences that we see or hear about, by social and mainstream media, and by the news.[3] To one degree or another, each of these factors combine to form the basis of opinions about the police.

Of the factors that may affect your views of the police, it may be tempting to believe that your personal experiences with the police are the most valid. After all, if you've personally seen and experienced it, it must be true. However, it is important to understand that personal experience is not always a good source of knowledge from which to generalize. There are at least three reasons for this.

A Question to Consider 1.1

Why Such Strong Feelings About the Police?

Citizens tend to have strong opinions about the police. Why don't people have similarly strong opinions about other public service workers, such as firefighters, garbage collectors, or even teachers?

EXHIBIT 1.1

Contacts Between Police and the Public

The 2018 report titled "Contacts Between Police and the Public"[4] explains that in 2015, 21% (53.5 million people) of U.S. residents aged 16 or older had contact with the police during the previous 12 months. Approximately 23% of whites, 20% of blacks, and 17% of Hispanics had contact with the police. Police were equally likely to initiate contact with whites and blacks but less likely to initiate contact with Hispanics. Police had about equal contact with males and females. The most common circumstance by which people had contact with the police was as a result of being a driver in a traffic stop. The most common reason for the traffic stop was speeding. Approximately 95% of people reported that the police behaved properly during the stop. Two percent of people who had contact with the police reported that they experienced a nonfatal threat or use of force by the police. Most of these people perceived the action by the police to be excessive.

First, personal experiences are limited: It is hazardous to draw conclusions about police officers, police departments, and police work based on just a few contacts with a limited number of officers in a couple of agencies. As an analogy, if you have had a bad professor for one class, it does not make all professors bad, and your experience certainly does not make your university a bad one.

Second, negative information (about the police or anything else) is usually perceived as more significant than positive information. If you have had negative experiences with the police you are more likely to remember them than positive ones. In essence, your views of the police may be affected more strongly by your perceived negative experiences, even though you may have more frequent positive experiences with them.

Photo 1.2

Similar to a Rorschach ink blot test in Photo 1.1, people are likely to view the police in different ways based on their experiences and other factors.

Jason Van Dyke Verdict/Jim Vondruska/NurPhoto/Getty Images

Finally, studies show that people are not necessarily objective when evaluating the police. In particular, research has shown that evaluations of interactions with officers are largely influenced by a person's previously existing beliefs toward the police.[5] So, for instance, when a person who thinks highly of the police has a contact with the police, that person is likely to evaluate that specific experience favorably. When a person who thinks poorly of the police has an interaction with the police, that person is likely to rate that contact negatively. For these reasons, personal experiences are not a foolproof method of developing an understanding of the police.

Research, which involves the systematic collection and analysis of data, offers a more accurate way of developing knowledge about the police—or any other phenomenon, for that matter. However, research also has limitations. In particular, on some issues research has not been conducted, so some questions remain unanswered. Sometimes research is conducted on a specific issue and then when an answer is provided, further research on the issue ends. As a result, research studies on some issues tend to be dated. Some studies focus on seemingly narrow issues in which the "big picture" and the most important conclusions are not of concern. Some research is not well executed, leaving one to question whether the results are believable. And finally, many times research findings conflict. As will be discussed in this book, all of these concerns are present with research on the police. In spite of these limitations, however, a careful consideration of research findings still has the ability to provide a more accurate understanding of reality than any other source.

Not surprisingly, this book offers a discussion of the police that incorporates research findings. It incorporates the most significant research on relevant issues and also seeks to provide a "real-world" objective understanding of the police. An important goal of the book is to identify, confront, and dispel the assumptions and myths that exist with regard to policing today. *Police in America* provides an understanding of the role and functions of the police, the controversies and difficulties associated with police responsibilities, and the effectiveness of police activities.

THE CHALLENGE OF POLICING A FREE SOCIETY

To understand the police in the United States, it is important first to reflect on the idea that the United States is a **free society**. What exactly does that mean? There is much philosophical discussion and debate about this issue. On a practical level, obviously it does *not* mean that citizens can behave any way they want; people are not *free* to shoot other people because they are angry with them or to disregard traffic lights because they are in a hurry. That people in our society are free means that the government recognizes that human beings have certain basic human rights. For example, people in our society have the right to work, to go to school, to

free society: A society in which the government recognizes that human beings have certain basic human rights.

Photo 1.3
The Bill of Rights of the U.S. Constitution limits the power of the police and provides citizens protections from the police. ©iStockphoto.com/RyanJLane

express their opinions, to protest government, to have privacy from government, to worship whatever god they believe in, to reproduce, and to own property. At the same time, the police, as an arm of the government, have the power and authority to regulate the conduct of citizens. Given our free society, the police are sometimes put in a peculiar situation: They are expected to protect citizens' rights *and* regulate the conduct of citizens.

The freedoms that people enjoy in our society are dynamic, always changing. For example, in the aftermath of the terrorist attacks of September 11, 2001, there was a massive reorganization of federal law enforcement efforts and the passage of significant new legislation (the USA PATRIOT Act in particular) that provided new powers to the government in collecting information on citizens. As discussed in more detail later in this book, for better or for worse, and accurately or not, this law was presented as a new tool in the war against terrorism. It *increased* the power of the government and correspondingly *decreased* the rights and privacy of citizens. Conversely, in the 1960s, a series of landmark U.S. Supreme Court decisions, including *Mapp v. Ohio* (1961) and *Miranda v. Arizona* (1966), gave citizens more freedoms from the government but, some argued, "handcuffed the police."

Freedom is a relative concept. Much variation exists among societies and governments in the freedoms that are afforded to their citizens (Exhibit 1.2). Therefore, in some societies, the police are oriented more toward exerting the power of the government than protecting citizens' rights. If citizens have fewer rights, there are fewer rights to protect. If citizens have fewer rights, the government has more power. If the government has more power, the police have more power.

The U.S. Constitution—and in particular the **Bill of Rights**, which comprises the first ten amendments—articulates several freedoms of the nation's citizens (see Appendix A). These are best considered civil liberties or freedoms *from* government. The Bill of Rights is not just words on paper. These are rules that the government must abide by in treating citizens. The *government* in this case often refers specifically to the police and the criminal justice system. The police are not free to do whatever they want. Because of the Constitution and the legal decisions associated with it, the police have rules to follow in dealing with citizens.

POLICE ACCOUNTABILITY IN A FREE SOCIETY

Another important dimension of our free society and the role the police play in it is that officers are accountable for their actions through a system of elected government. Citizens have the power of the vote and the power to organize and protest. If citizens are not satisfied with the leaders of the government, those leaders can lose their jobs by not being reelected. In many communities, mayors hire and fire police chiefs. Mayors have expectations of police chiefs, who, in turn, have expectations of their officers. If officers behave improperly, it reflects on the chief. In turn, the chief is a reflection on the mayor. There is a long list of chiefs, and even mayors, who have lost their jobs because of officer misconduct or other unsatisfactory police department performance. In spite of this process, how best to ensure police accountability is a continuing concern and objective.

Besides accountability through elected government, another way to provide accountability of the police is through organizational transparency. Law enforcement agencies are transparent when the operations, policy, and the decisions made by officers and police leaders

Bill of Rights: The first ten amendments to the U.S. Constitution; these amendments articulate several basic freedoms of the nation's citizens.

EXHIBIT 1.2

Governmental Power Versus Citizens' Rights

Many countries severely restrict the rights of their citizens. For example, consider the cases of Saudi Arabia, Russia, and North Korea. For a more complete discussion of this issue, visit the website of Amnesty International.[6]

In Saudi Arabia, all females require male guardianship. Further, governmental authorities severely repress religious freedoms and freedom to express views against the government. Authorities are responsible for arbitrary arrests, and torture, and other ill-treatment of detainees.[7]

In Russia, laws restrict lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals and supporters of LGBTI rights from holding peaceful demonstrations to fight for equal rights. Officials have said that such demonstrations violate rules against "propaganda of homosexuality." In addition, human rights proponents who have complained about law enforcement misconduct have been subject to harassment, death threats, and murder, or they have simply disappeared.[8]

The Democratic People's Republic of Korea (North Korea) is arguably one of the least free countries on Earth and is often referred to as a police state. The government severely restricts rights to freedom of expression, and travel outside the country is largely prohibited. It is estimated that 120,000 people are incarcerated in political prison camps, detained only for being related to individuals who are viewed as threatening to the government. All media and telecommunications systems are owned by the government. There is no access to the Internet or international phone service for the vast majority of North Koreans. Police agencies operate in such ways as to ensure that privacy among citizens does not exist. Surveillance is constant. It is not an exaggeration to say that North Korean citizens have no rights.[9]

are visible to citizens. The most recent attempt at increasing transparency is the deployment of police body-worn cameras[10] (BWCs; see Technology on the Job). Other mechanisms of transparency and accountability include increasing citizen input and involvement in police operations, such as through public meetings and hearings, and citizen involvement in the process of investigating citizen complaints of officer conduct. Police sharing information with citizens, even through social media,[11] has also been represented as way by which to increase organizational transparency. The media, through independent investigations and reports on the police, may provide increased transparency and accountability of the police.[12] Law enforcement agencies and officers today are expected to be accountable for their actions; however, this often proves to be a hard-to-attain goal.

TECHNOLOGY ON THE JOB

Police Body-Worn Cameras

Video cameras worn by police officers are one of the most recent and far-reaching technologies to be incorporated into police work. "Body-worn cameras (BWCs) are small, transportable devices worn by officers to record interactions with the public. The cameras can be attached to an officer's clothing, sunglasses, or helmet. BWCs can produce video and audio recordings. The footage is saved on a local storage device or uploaded to a web-based storage platform. Some BWCs can upload video while in the field."[13] BWCs vary in their characteristics and capabilities including battery-life, size, placement options, quality of video, video and audio options, download capability, and cost.[14]

A 2016 Bureau of Justice Statistics survey found that 47% of local police departments used body-worn cameras; in about one-half of these agencies, *all* officers are equipped with BWCs.[15] Calls for the use of body-worn cameras began after the shooting of an unarmed African American teen, Michael Brown, in Ferguson, Missouri, in 2014. Then,

(*Continued*)

(Continued)

in December 2014, President Barack Obama issued a proposal for $75 million in federal funding to local and state law enforcement agencies to purchase body-worn cameras. As discussed in several sections of this book, the cameras are intended to have many effects; examining these effects is one of the most popular topics of policing research today. From a police perspective, the five most commonly expressed reasons for using BWCs are the following:[16]

- Improve officer safety
- Reduce/resolve citizen complaints
- Improve evidence quality
- Reduce agency liability
- Improve officer/agency accountability

For agencies that did not use BWCs in 2016, the primary reason was cost: cost of the cameras themselves, as well as cost associated with video storage, maintenance, and public records requests. This is not a minor issue. Most cameras cost between $300 and $500, not to mention all of the other related costs. Depending on the size of the agency and its budget, the cost of this technology can be significant.

Photo 1.4

Police body-worn cameras have the potential to improve policing, but they have limitations as well. AP Photo/Damian Dovarganes

The use of BWCs does not come without other concerns as well. In the 2016 survey, agency representatives identified privacy as the most common obstacle associated with the use of BWCs.[17] Not surprisingly, some citizens (especially certain victims) may not wish their interactions with officers to be recorded. However, if the camera is not always on, the police may be criticized for not having video when critical incidents occur. Likewise, if cameras are always on, officers are not afforded any privacy at work. Another consideration is if footage is used as evidence, will the video show an accurate picture of what happened, or only what was in view of the camera? The video may not show the intent of officers' actions and may not reveal important aspects of the whole situation in which officers acted. Further, cameras have been touted as a way to increase transparency and accountability of police work but interestingly, black citizens have been found to be more skeptical of the actual benefits of the technology.[18] Yet another possible issue centers on the prosecution of subjects where there is no video. Will prosecutors be at a disadvantage in establishing proof should there not be video as evidence? With regard to research on the impact of BWCs, studies clearly show that BWCs lead to fewer citizen complaints. As for BWCs and the use of force, some studies show that BWCs lead to less frequent use of force, some do not.[19] When there are effects, the reasons are not entirely clear—do BWCs affect *police* behavior, *citizens'* behavior, or *both*? While police body-worn cameras are not likely to be a panacea to the problems that sometimes arise in police–citizen encounters, their potential to strengthen police accountability is a strong argument in favor of their use.

Citizens' freedoms, combined with the ability to vote and their critical role in the accountability process, make citizens important in our system of government. The police operate in this environment. Because citizens have freedoms from government, our society has placed limitations on the police. Further, police must ultimately answer to citizens regarding their conduct and operations. One might argue that these circumstances have made the job of the police more difficult—or at least more difficult to do effectively. Effectively policing a free society is a challenge.

THE CONTROVERSIES AND DIFFICULTIES OF POLICING

The police play an important role in the functioning of our society. Their role is so vital that it is difficult to imagine our society without the police. Although policing is an essential function, many controversies and difficulties are associated with the practice. These issues are discussed throughout this book and are introduced here.

A Question to Consider 1.2

Police Power and Crime Solving

In 2017, approximately 62% of homicides in the United States were solved, meaning that the perpetrator was identified and apprehended. Of all crimes, the police have the greatest success at solving homicides, yet this percentage is currently near a historic all-time low. There are many reasons for this. Do you think that if the police were given more power and authority to conduct investigations they would be able to solve more homicides and other crimes? If so, what would be the consequences of this? Do you think the trade-off would be worth it? Explain.

THE POLICE ARE EXPECTED TO PREVENT AND SOLVE CRIME

The police have been given a very difficult task: They are expected to prevent people from committing crimes and to solve the crimes they are unable to prevent. In doing this, the police maintain order in our society. However, many factors have been identified as contributing to criminal behavior, and the police do not control any of these factors. The police do not have any control over poverty, whether children grow up with proper role models, the weather, unemployment, or people's self-control. Furthermore, the police are primarily reactive, which means they are dependent on citizens to notify them that a crime has occurred so they can respond, and crimes are often not reported to police. The police must operate within the confines of the law, and they operate with limited resources. All of these things considered, the police are often at a disadvantage in the "game" of cops and robbers, and this helps explain the seemingly low rate at which crimes are solved (Figure 1.1). This suggests that the police have an **impossible mandate**.[20]

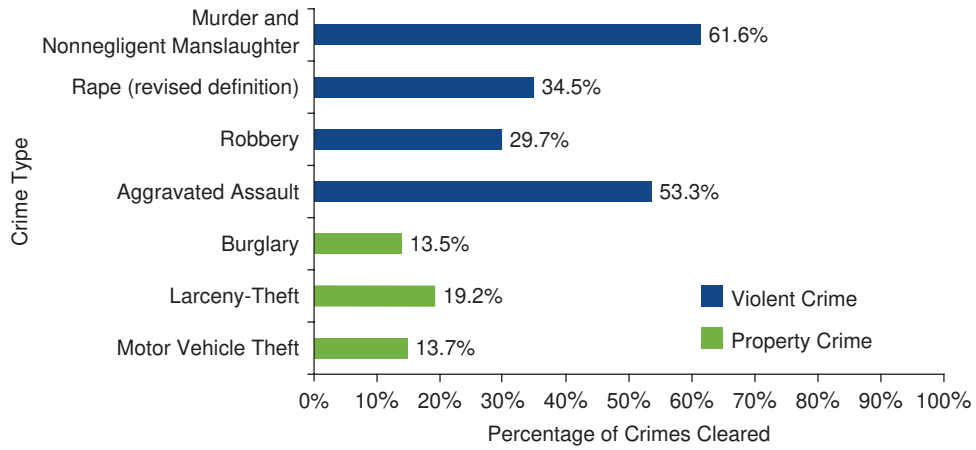
impossible mandate: This term reflects the idea that the police have been assigned the task of crime control, but because they cannot control the factors that *cause* crime, this task is difficult—if not impossible—to accomplish.

CITIZENS MAY NOT COOPERATE WITH THE POLICE, AND MAY EVEN DO THEM HARM

Crime prevention and crime solving depend on cooperative relationships between citizens and the police. However, for a variety of reasons, the unfortunate reality is that sometimes citizens are not interested in assisting the police. This lack of assistance can come

FIGURE 1.1

Crimes Cleared (Solved) by the Police, 2017[21]



The police are expected to solve the crimes that they do not prevent, but for various reasons they have limited success in this regard.

Photo 1.5

Because of the unequal distribution of serious street crime, the police spend more time in some areas than in others. Chicago Tribune/Tribune News Service/Getty Images

in many different forms. For example, approximately 50% of crimes are not reported to the police by citizens (victims). It is difficult for the police to address crimes that they are not aware of. Further, in some places and among some people, providing information to the police that may help in a criminal investigation is severely looked down upon as demonstrated by the adage "snitches end up with stiches." Without assistance of citizens, the crime-solving abilities of the police are limited. Sometimes, as discussed more directly in Chapter 10, citizens direct violence toward the police. Ideally, citizens are a friend to the police, but in some instances, they are actually a foe. This makes the relationship between the police and the public complicated, to say the least.

THE POLICE PAY MORE ATTENTION TO SOME CRIMES, SOME PEOPLE, AND SOME AREAS THAN OTHERS

The police are not equally concerned with all types of crime. The police, local police in particular, are more oriented toward what have been referred to as *predatory* types of crime, or *street* crimes, such as murder, rape, robbery, assault, burglary, and so on. Part of the reason for the greater focus on these types of crime is that police territory *is* the streets, literally. The police patrol the streets and sidewalks. The streets are public space; the police have the most presence in public spaces, as opposed to private spaces like living rooms or business offices. When the police are in private places, it is usually only because they were invited or needed there.

Because they are responsible for crime control, officers tend to have a greater presence in areas where there is more street crime. Such areas tend to have high levels of unemployment, poverty, and population density. They are often racial minority neighborhoods. So, at least in urban settings, the police pay more attention to some areas and some people than others. Indeed, the police spend more time in some public spaces than others.[22] This can lead to criticism about **overpolicing** in some neighborhoods and **underpolicing** in others. Citizens who perceive too much police action in their neighborhoods may be just as upset as citizens who perceive too little in their neighborhoods. Either way, the police may be subject to criticism.

Law enforcement agencies other than local police departments are also more concerned with some types of crimes than others. For example, federal law enforcement agencies, such as the Federal Bureau of Investigation (FBI), devote more resources to combating predatory crimes and terrorism than other types of crimes. Although the strategies used to combat criminals differ, federal law enforcement agencies also devote more resources to certain places than others and pay more attention to some people than others.

overpolicing: The perception of too much police presence and action in a neighborhood.

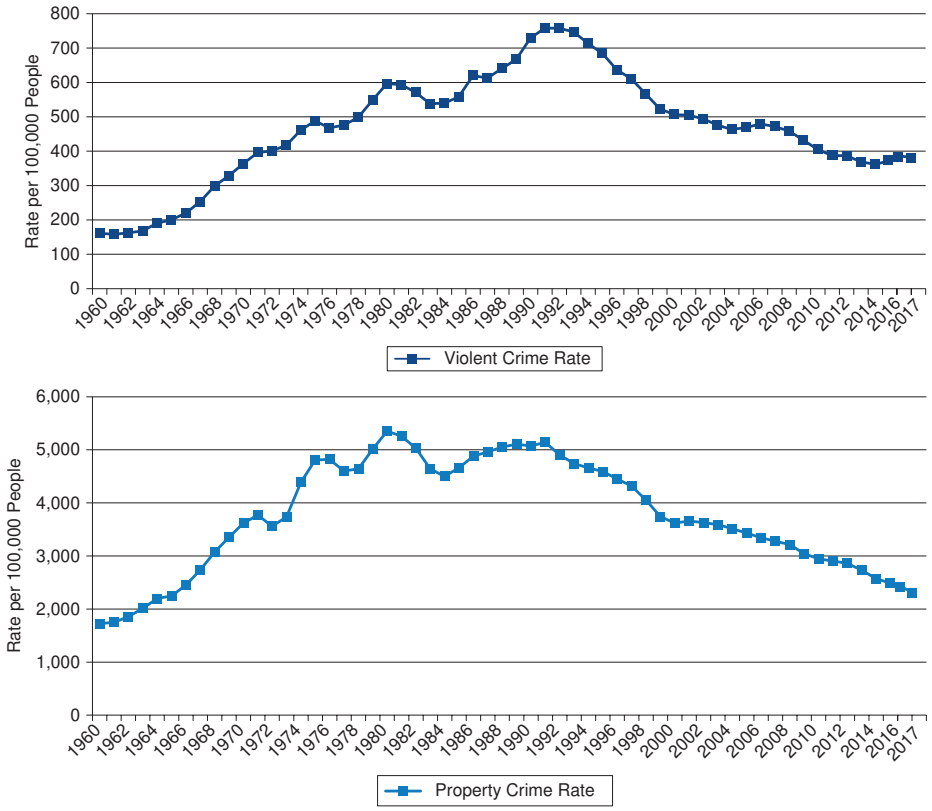
underpolicing: The perception of too little police presence and action in a neighborhood.

THE POLICE HAVE OTHER RESPONSIBILITIES

Besides their important crime-related duties, local police departments have a multitude of other responsibilities. Because the police are a twenty-four-hour-a-day resource that is just a phone call away (via 911), citizens call on the police for all sorts of troubles. The local police department is often the social agency of first resort for people in need of assistance. Officers regularly deal with family members and neighbors who do not get along; they deal with homelessness issues and people with mental illness and substance abuse problems. None of these issues necessarily relate to criminal behaviors, but all require police resources.

FIGURE 1.2

Crime Rate, 1960–2017



Note: 2017 was most recent data available at time of publication.
Source: Bureau of Justice Statistics

THE POLICE USE DISCRETION IN DEALING WITH PEOPLE

Police officers often must use **discretion**, or their own judgment, in making decisions about how to handle situations. This discretion can affect people's lives in dramatic ways. Whether the situation involves a decision to ticket or just warn a speeding motorist, what to do about a barking dog, how to resolve a dispute between neighbors, or whether or not to use force on a resisting suspect, the use of discretion is a critical part of the job and can raise all sorts of issues. For instance, the decision made could be an improper one. Since officers make a lot of decisions during the course of a work shift, there is the potential for many mistakes. It is very important to understand that with a critical decision comes the possibility of a critical mistake.

Another issue is that often discretion involves officers making moral or ethical judgments about who is right, who is wrong; who is the victim, who is the offender. Sometimes these distinctions are easy to make, sometimes they are not. Usually at least one of the parties involved does not like the decision that the officer has made. The reality is that officers seldom leave a situation being appreciated by all the participants. It is no wonder that citizens have strong and divergent feelings about the police, either positive or negative.

THE POLICE HAVE AUTHORITY TO USE FORCE AND ARREST CITIZENS

The ability to make an arrest is a critical but basic form of police authority. Citizen's noncompliance with the law may lead to arrests being made by officers. Further, officers have discretion about other critical actions, such as whether or not to use physical force on citizens and

discretion: A police officer's personal judgment of how best to handle a situation.

what type of force to use. As discussed in more detail later in this book, many scholars argue that police authority to use force is what differentiates the occupation from all others. Workers in no other occupation can use "essentially unrestricted" force against citizens.[23] The use of force, especially deadly force, is often the most controversial discretionary decision made by police officers. Even if the force was legally justified, its use is often controversial. This fact has been repeatedly and dramatically highlighted with recent incidents in which the police have used deadly force against unarmed subjects. From these incidents have come calls for police reforms and especially for the use of body-worn cameras to provide greater transparency, accountability, and control over police actions in deadly force situations (see Technology on the Job feature on page 7).

MEASURING GOOD POLICING IS DIFFICULT

Assessing police performance is important so that corrections and improvements can be made. With police work, however, it is extremely difficult to measure good performance. For example, crime prevention is a good goal, but how do you measure crimes that do not occur? It is simply impossible for the police to accurately say that they prevented X number of crimes during the past year. Often comparisons are made to the number of crimes that occurred the previous year, but there is nothing inherently meaningful about a previous year's numbers. If there were 100 crimes last year but only 90 this year, is that a police success? Is it possible the number of crimes may decline from year to year not because the police are effective but because citizens reported crimes to the police less often? If the number of homicides went down but the number of shootings stayed the same, is that a police success? Sometimes the number of *arrests* made by the police is used as an indicator of performance; the reasoning is that making more arrests equals better performance. The problem with this reasoning is that if an arrest was made, it means that a crime was not prevented. Additionally, an arrest may not be the best or most effective way of handling a particular incident. Indeed, identifying accurate measurements of good policing has been, and remains, problematic for the police. Nevertheless, it is possible to identify specific examples of good policing practices and good qualities and actions of police officers. Such examples are provided throughout this book in the Good Policing features.

Photo 1.6

The media tend to distort the realities of policing. Some people argue that the intent of the media is more to entertain than to educate. AP Photo/Detroit News, Steve Perez

THE MEDIA DO NOT NECESSARILY ACCURATELY REPRESENT THE POLICE

Citizens often see the police through the filter of the media, including social media, entertainment media, and the news media. The problem is that the media do not necessarily accurately depict the police and their work. In particular, news media sources tend to be superficial and selective in their coverage. In some respects, they use the police as entertainment, or more precisely, "infotainment."[24] They focus on violent, random, and bizarre crimes and often call into question police abilities in controlling crime, especially when there seems to be a large amount of it occurring. The news media tend

A RESEARCH QUESTION

What is the Impact of Media on Views of the Police?[27]

A 2018 study reported in the journal *Deviant Behavior* examined the impact of various types of media consumption on views of police. A sample of 245 students from a large midwestern university were surveyed. Students were asked how much time they spend per week: (a) watching local television news; (b) watching national television news; (c) watching television crime shows (such as *Criminal Minds*); (d) reading a local newspaper; (e) using social networking sites (such as Facebook, Twitter, or Instagram); and (f) reading news online. To measure views of the police (police legitimacy), the students were asked about their level of agreement or disagreement with numerous statements: (a) you should accept police decisions even if you think they are wrong; (b) you should do what the police tell you to do even if you disagree; (c) it would be hard to justify disobeying a police officer; (d) overall, the police are generally honest; (e) people's basic rights are well protected by the police; (f) most police officers do their job well; (g) the police usually make decisions that are good for everyone; and (h) the police treat everyone equally regardless of their race. To take into account other factors that may influence attitudes toward the police, respondents were also asked their race, age, prior personal and vicarious contacts with the police, perceptions of neighborhood problems, and degree of self-control.

The researchers found that students who spent more time reading news online had more negative views of the police and, surprisingly, students who spent more time using social media had more favorable views toward the police. Most importantly, the researchers also found that media exposure had the strongest effects on attitudes toward the police for individuals without personal experiences with the police.[28] The authors argue that people may substitute media representations as a basis for their attitudes when personal experiences are missing. While the study is not without limitations (for example, the researchers only asked about time on social media, not about time spent reading police-related stories on social media), the study shows how media may influence attitudes toward the police.

to focus on bad officer behavior, especially instances of supposed police brutality,[25] although stories about police heroism also usually make the news. Entertainment media also offer an unrealistic portrayal of the police, often exaggerating the exciting or bizarre aspects of the job (e.g., the television show *COPS*) as well as the mysterious (e.g., *Criminal Minds*). Social media are also selective in their representation and unfortunately are the sources of much misinformation about the police. As such, the media may distort citizens' views of the police.[26]

ETHICS AND MORALS IN POLICING

Discretionary decisions of police officers on the street are influenced by many factors. Ideally, one of them is ethical standards. Similarly, policy and strategy decisions in law enforcement agencies should be based on ethical principles.[29] As a result, **ethics** are important to consider when studying the police. Issues associated with ethics and **morality** are discussed in more detail in Chapter 8 and throughout the chapters via the A Question of Ethics features, but the topic is introduced here.

Ethics and morality are closely related and intertwined. Both relate to fundamental questions about what is right and what is wrong or what is good and what is bad. When a distinction is made, usually morality is concerned more with the individual and his or her internal sense of proper conduct. Ethics relate more toward the *behavior* of a person. A person whose behavior is ethical is also moral. The distinction is a fine one and is debated by philosophers.

For the police, ethical conduct is an especially serious concern because the police have extraordinary power, and "with great power comes great responsibility."[30] This axiom has great relevance for today's officers. The police have extraordinary power and authority. Nowhere is this clearer than in their ability to use discretion, to make arrests, to conduct searches, and to use force.

ethics: Rules of behavior that are influenced by a person's perception of what is morally good or bad.

morality: A person's internal beliefs about what is right or wrong conduct.

GOOD POLICING

Higher Standards and Visibility

What is one of the most important things a police officer needs to know in order to do a good job? It is critically important for officers to realize that 100% of the time, on and even off duty, they are in the spotlight; they are being watched by citizens and are held to a high standard of conduct by both those citizens and by police superiors. Of course, when on duty and in uniform, people can easily recognize police officers. People notice police officers. Police officers must realize that they are *always* subject to public scrutiny, even when taking a break from their duties. An officer must also be aware that when off duty and not in uniform, some people will still know that he or she is a police officer. Any questionable conduct from an off-duty officer is still subject to concern and criticism, and the officer can be disciplined for it. Officers' off-duty use of social media is also subject to increased public and police department scrutiny and has been the basis for job sanctions. Bottom line: Police officers are held to a high standard of conduct and need to be aware of this at all times.

Officers can deprive citizens of their liberty, their property, and their *life*. In a fair and just society, the police are obligated to use their power and authority legally, responsibly, and ethically.

Many ethical issues in policing become relevant when considering the *means-ends* distinction. *Ends* are the goals to be achieved, such as apprehending criminals. *Means* are the ways in which those goals can be achieved, how things are done. When it comes to ethical concerns, usually the means are more scrutinized. Means vary from the ethical to the unethical. They are also either legal or illegal. As explained below, even if means are legal, they can still be viewed as unethical. Unethical and/or illegal means have been referred to as **dirty means**.[31]

FORMS OF UNETHICAL CONDUCT

One form of unethical conduct occurs when the police use illegal means in an attempt to accomplish **good ends**. For example, in an attempt to detect and prevent crime, an officer may stop and search citizens without the reasonable suspicion that is legally necessary. To solve a crime, an investigator may not inform suspects of their right to remain silent, which is legally required. This conduct is not legal, nor is it ethical. These actions are clearly problematic in a society that expects its police to be fair and just.

Sometimes means are legal but perhaps not ethical. An example is when the police use deception to identify and apprehend criminals. In particular, when officers go undercover and buy drugs from an unwitting citizen or lie in the interrogation room to get a suspect to confess, there is usually little debate about the goodness of the goal, but sometimes there is concern about the appropriateness of the way by which the goal was achieved. There may be ethical concerns even when conduct is legal.

Another type of situation that raises ethical concerns is when the law does not explicitly prohibit or allow certain conduct. For example, in one case,[32] the police wanted to identify associates and co-conspirators of an offender, arguably a reasonable and worthwhile goal. To do so, they used her personal information to create a fake Facebook page. At the time, these police actions were neither legal nor illegal, but they were potentially unethical nonetheless.

Finally, some ethical concerns regarding police conduct lie outside of the means-ends distinction because the goals being pursued are not appropriate. These situations relate to police corruption. Legitimate goals of policing are not present in most forms of corruption. For example, when officers seek to maximize personal gain through theft or bribery, ethical (and legal) concerns emerge. As noted earlier, one of the difficulties of policing is defining and measuring good policing. At the very least, one dimension of good policing is ethical policing. It is a worthwhile challenge to figure out how policing can be made more ethical.

dirty means: Unethical or illegal means used by police officers.

good ends: The desired goals of policing.

A Question of Ethics

Are Police Actions That Are Legal Also Ethical?

One of the first steps in understanding and controlling the unethical conduct of police officers is recognizing what it is. Are police actions that are legal also always ethical? Explain why or why not. Besides the examples already provided, identify and discuss two examples of police conduct that would help support your position.

Main Points

- Our views toward the police are shaped by our experiences with officers, by other people's experiences with officers, and by media portrayals.
- Research provides a good basis on which to develop an accurate understanding of the police.
- The United States is a free society because citizens have freedoms from the government, but this puts the police in a peculiar situation. Officers are expected not to infringe on citizens' rights and to protect citizens' rights, but at the same time, they are expected to regulate citizens' conduct.
- The Bill of Rights to the U.S. Constitution set forth the freedoms citizens have from the government.
- The system of an elected government and increasing the transparency of law enforcement agencies are supposed to provide for accountability of the police to the citizenry.
- There are many controversies and difficulties associated with policing:
    - The police are expected to control crime but they do not control many of the factors associated with criminal behavior. In addition, they are reactive, they have to follow the law, and they have limited resources.
    - Citizens may not cooperate with the police and may even do them harm.
    - The police pay more attention to some crimes, some people, and some areas than others. This can lead to criticisms about overpolicing and underpolicing.
    - The local police department is often the social agency of first resort for people with many different problems. The twenty-four-hour-a-day availability of the police compounds this issue.
    - Police very often use discretion, or their own judgment, in making decisions. Police discretion can affect people's lives in major ways. Often it involves taking action against someone in order to protect someone else. These decisions can be controversial.
    - Discretion that relates to use of force is especially controversial.
    - Measuring good police performance is problematic.
    - The news and entertainment media do not accurately depict the police and their work. This can distort the reality of policing and/or create unrealistic expectations of the police.
- In a fair and just society, the police are obligated to use their power and authority responsibly, fairly, and ethically.
- Many ethical concerns for the police relate to whether they use unethical (dirty) means to achieve good goals.

Important Terms

Review key terms with eFlashcards at **edge.sagepub.com/brandl2e.**

Bill of Rights 6
dirty means 14
discretion 11
ethics 13
free society 5
good ends 14
impossible mandate 9
morality 13
overpolicing 10
underpolicing 10

Questions for Discussion and Review

Take a practice quiz at **edge.sagepub.com/brandl2e.**

1. Why might personal experience with officers not be a good basis on which to draw accurate conclusions about the police?
2. What does it mean to say that a society is free? In general, how does policing a free society differ from policing a not-so-free society?
3. How is it that a technology, such as police body-worn cameras, may increase transparency and accountability of a police agency?
4. How is it that a system of elected government is supposed to provide accountability of the police to citizens? Does this system actually provide for accountability?
5. Do the police have an impossible mandate? Why or why not?
6. What is it about police practice that raises concerns about overpolicing and underpolicing?
7. How can police use of discretion be controversial?
8. Why is good policing difficult to measure?
9. How do the media distort the realities of policing? Why is this distortion important to recognize and understand?
10. How do ethical issues most often arise in police work?

Fact or Fiction Answers

1. Fiction
2. Fact
3. Fiction
4. Fact
5. Fiction
6. Fact
7. Fiction

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2
THE HISTORY OF THE POLICE IN AMERICA

Police Spotlight: Policing in the Early Days

According to *The First One Hundred Years*, a publication of the Milwaukee Police Department,

> On October 4, 1855, the Milwaukee, Wisconsin, Police Department began functioning. William Beck was chosen chief of police by the mayor. His salary was set at $800 a year. Privates were to get $480 a year.
>
> Six policemen were chosen by Beck; they were picked for their size and fighting ability.
>
> To arrest a man in those days, it was nearly always necessary to whip him first. The first policemen in Milwaukee were consistently seen with black eyes, bruised cheeks, and split lips. They earned their $40 a month the hard way. Murders were reduced to practically nothing; thugs quit prowling the streets at night lying in wait for prosperous looking individuals, and citizens began writing letters of praise about the battered and bruised policemen and the fine work they were doing.[1]

As described here, formal policing in Milwaukee (and other cities) had very humble beginnings. As we will discuss in this chapter, while some aspects of policing have dramatically changed over time, others have changed very little. In particular, police use of force and the relationship between police and crime control remain central facets of the policing function.

Source: Milwaukee Police Department. 1955. *The First One Hundred Years*. Milwaukee: City of Milwaukee, p. 3.

CHAPTER 2 chronicles the history of the police in America. It begins with a discussion of how the police first came to exist and ends with a brief discussion of modern-day policing. The chapter serves as a foundation for the rest of the chapters that focus directly on policing as it is conducted today.

Objectives

After reading this chapter you will be able to:

2.1 Explain why an understanding of police history is important

2.2 Identify and discuss the four eras of policing and the reasons why each era began and dissolved

2.3 Discuss the role of constables, watches, slave patrols, and sheriffs during the pre-police era

2.4 Describe how the first police departments in the country operated

2.5 Compare how the reform era of policing differed from the political era

2.6 Discuss why the 1960s were so significant for the police

2.7 Evaluate the critical concepts associated with the community problem-solving era

Fact or Fiction

To assess your knowledge of police history prior to reading this chapter, identify each of the following statements as fact or fiction. (See page 35 at the end of this chapter for answers.)

1. One of the first things the colonists did when they arrived in America was set up a network of relatively sophisticated and well-run police departments.
2. To understand issues involving the police and race relations today, it is important to understand the policing of racial minorities in the past.
3. So-called black codes and Jim Crow laws were never legal, nor were they ever officially enforced by the police.
4. The first women were hired as police officers in the late 1800s and were assigned similar duties as policemen.
5. The first black officers were hired in the late 1800s and were often more educated and qualified than their white counterparts.
6. Photographs of criminals, Bertillonage, the third degree, and the dragnet roundup of suspects were common investigative strategies and tactics used during the political era of policing.

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7. The reform era of policing was an attempt to remove politics from policing and make police officers more professional.
8. Coproduction of crime prevention was the centerpiece of the reform era of policing.
9. One aspect of policing that has not changed over time is how frequently the police use batons in force incidents.
10. The terrorist attacks on September 11, 2001, immediately led to the creation of new laws and redirected law enforcement concerns, but the effects of the attacks have proven to be short lived.

WHY STUDY THE HISTORY OF THE POLICE?

There are at least three reasons why understanding the history of the police is useful and important. First, in order to better appreciate how the police in America have changed over time, it is necessary to understand what policing looked like when it first began. Some aspects of policing have changed a lot, some have changed little. Most crucially, some of the reasons why the police are controversial today are rooted in why the police were created in the first place. Overall, knowledge of police history will assist in developing a more complete understanding of the police today.

Second, police history identifies persistent policing problems and the "solutions" that were applied to those problems but did not work. Consequently, if we are aware of these ineffective measures, we can avoid duplicating them when trying to address age-old problems today. In addition, an understanding of history can help us recognize and more fully comprehend the problems that seem immune to solution, such as police misconduct.

Finally, it is useful to study police history because it may provide insight into the future. Some people say that because history is cyclical we can actually predict the future based on knowledge of the past. Although the more specific the prediction, the more likely it is to be wrong, history can be used to identify general trends and patterns that may extend into the future. This can make it possible to predict the future based on the past.

POLICING COLONIAL AMERICA

The first explorers crossed the Atlantic Ocean in the late 1400s, and the first Europeans settled permanently in America in the late 1500s and early 1600s. The most prominent settlers were the British, who created the thirteen colonies in what eventually became the United States of America. Many of the colonists had fled their homeland because they wanted religious freedom; thus, freedom became a central feature of the new government when it was created.

The colonists had a difficult time in the new land. The economy of the colonies was based almost entirely on the land and farming. Without the benefit of any modern equipment, the work was hard. Starvation and diseases were rampant. Medical care was primitive. As laborers were needed to work the land, indentured servants were first used. Many of these people were poor teenagers from England who received a free boat ride to the new colonies in exchange for years of labor.

In colonial America during the 1600s and 1700s, there were four primary policing entities: constables, watches, slave patrols, and sheriffs.

CONSTABLES AND THE WATCH

constable: The first appointed law enforcement officers in colonial America. They often organized and supervised the watch.

In the early days of colonial America, there was little need for law enforcement. The colonists were God-fearing, hard-working people who took responsibility for their own actions and the actions of their neighbors. As settlements turned into towns, **constables** were the first appointed law enforcement officers. The duties of the constable varied depending on the size of the community, but generally the post was responsible for dealing with everything from stray cattle and dogs to misbehaving children. In some towns constables even enforced church attendance.[2]