

# History of Policing and Police Institutions

*Jamaar Williams and Kevin Heade - Central AZ  
NLG*

# National Lawyers Guild

The NLG is dedicated to the need for basic change in the structure of our political and economic system.

**We seek to unite the lawyers, law students, legal workers and jailhouse lawyers to function as an effective force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.**

Our aim is to bring together all those who recognize the importance of safeguarding and extending the rights of workers, women, LGBTQ people, farmers, people with disabilities and people of color, upon whom the welfare of the entire nation depends; who seek actively to eliminate racism; who work to maintain and protect our civil rights and liberties in the face of persistent attacks upon them; and who look upon the law as an instrument for the protection of the people, rather than for their repression. Learn more about our history with the links to the left.

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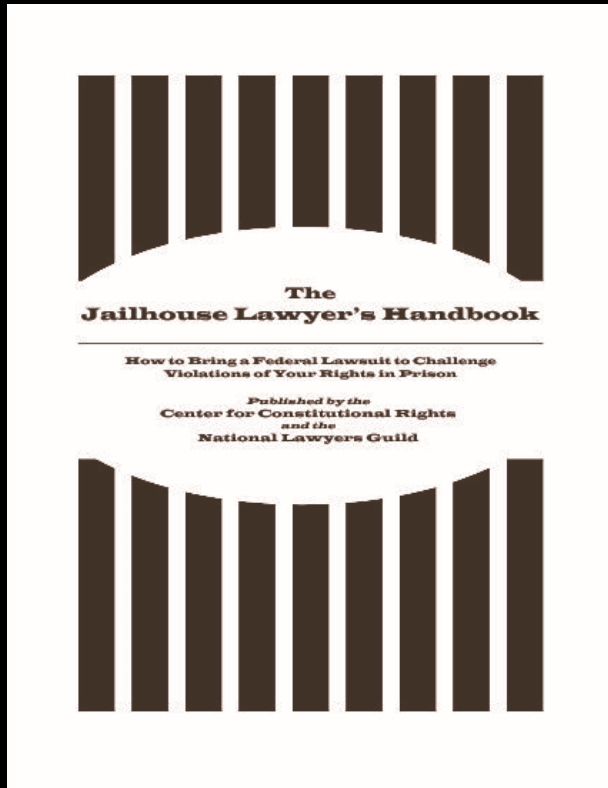
[International Association of Democratic Lawyers](#)

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# The Jailhouse Lawyer's Handbook

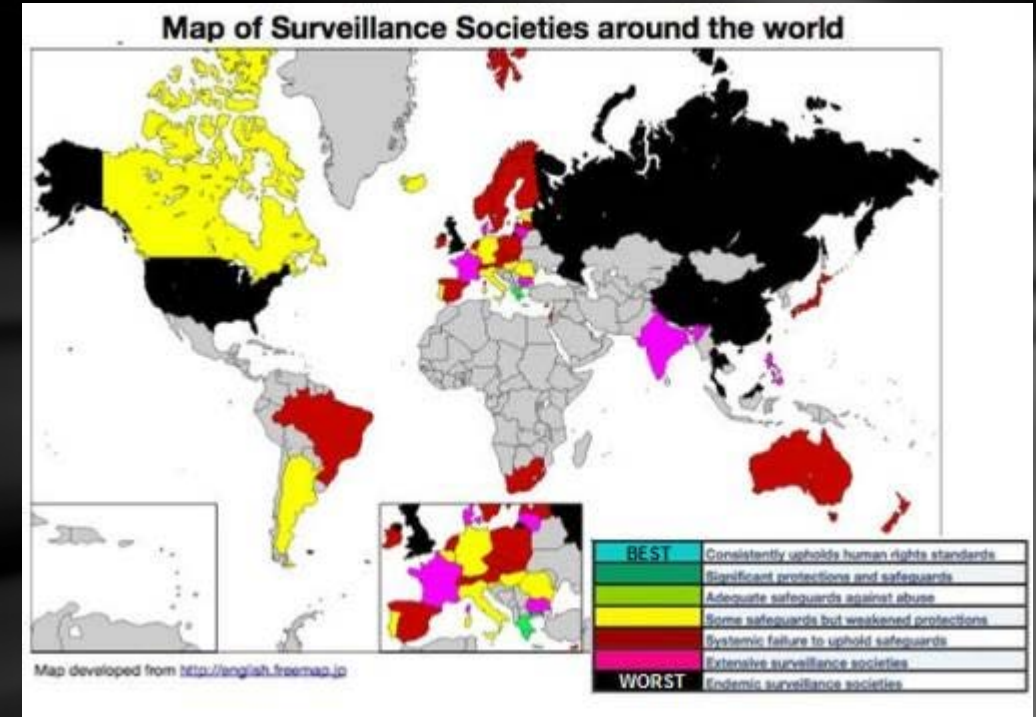


This Handbook is a resource for prisoners who wish to file a Section 1983 lawsuit in federal court regarding poor conditions in prison and / or abuse by prison staff. It also contains limited information about legal research and the American legal system.

The Handbook is available for free to anyone: prisoners, lawyers, families, friends, activists and others.

# Historical Trends Relevant to the Development of Police Institutions

- Feudalism to Capitalism
- Colonization
- Slavery
- Industrialization/Unionization
- *Warren Court* reforms
- Modern Police/Surveillance State



# Perceptions of Police



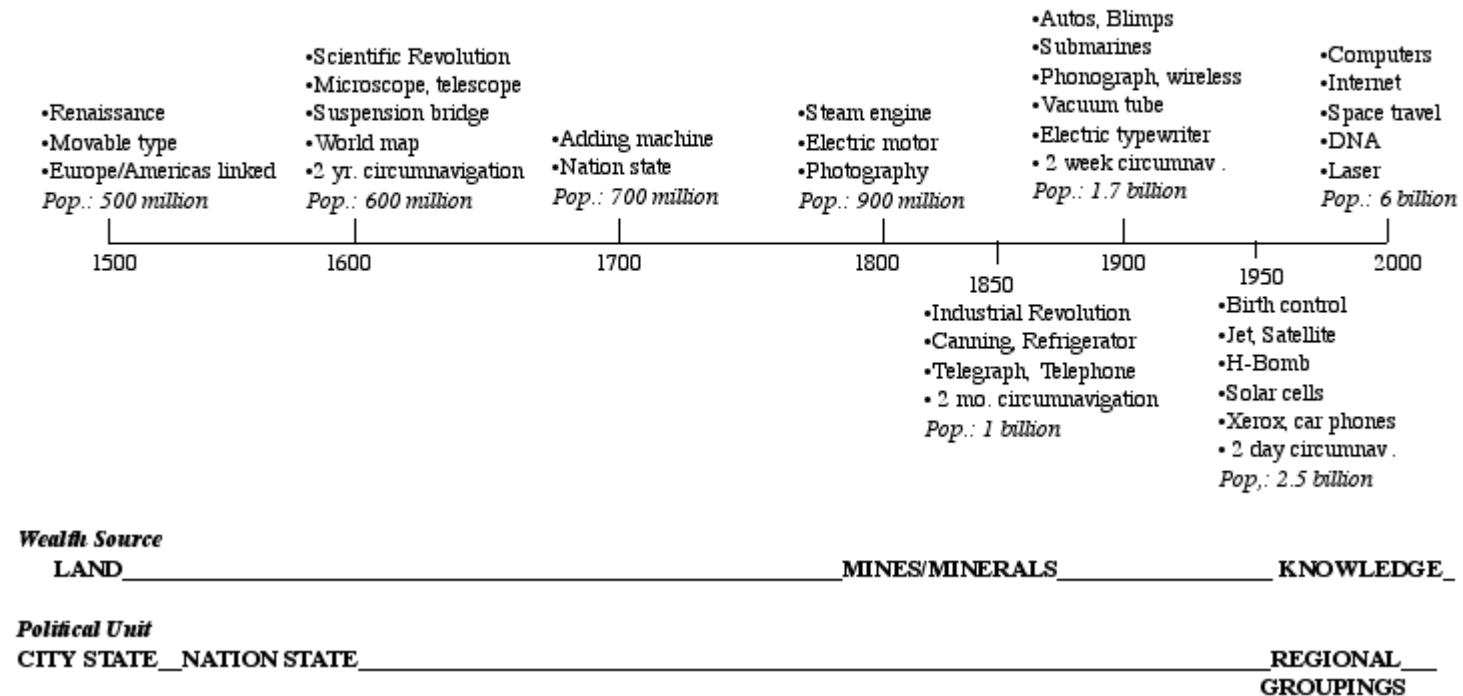


# Perceptions of Police

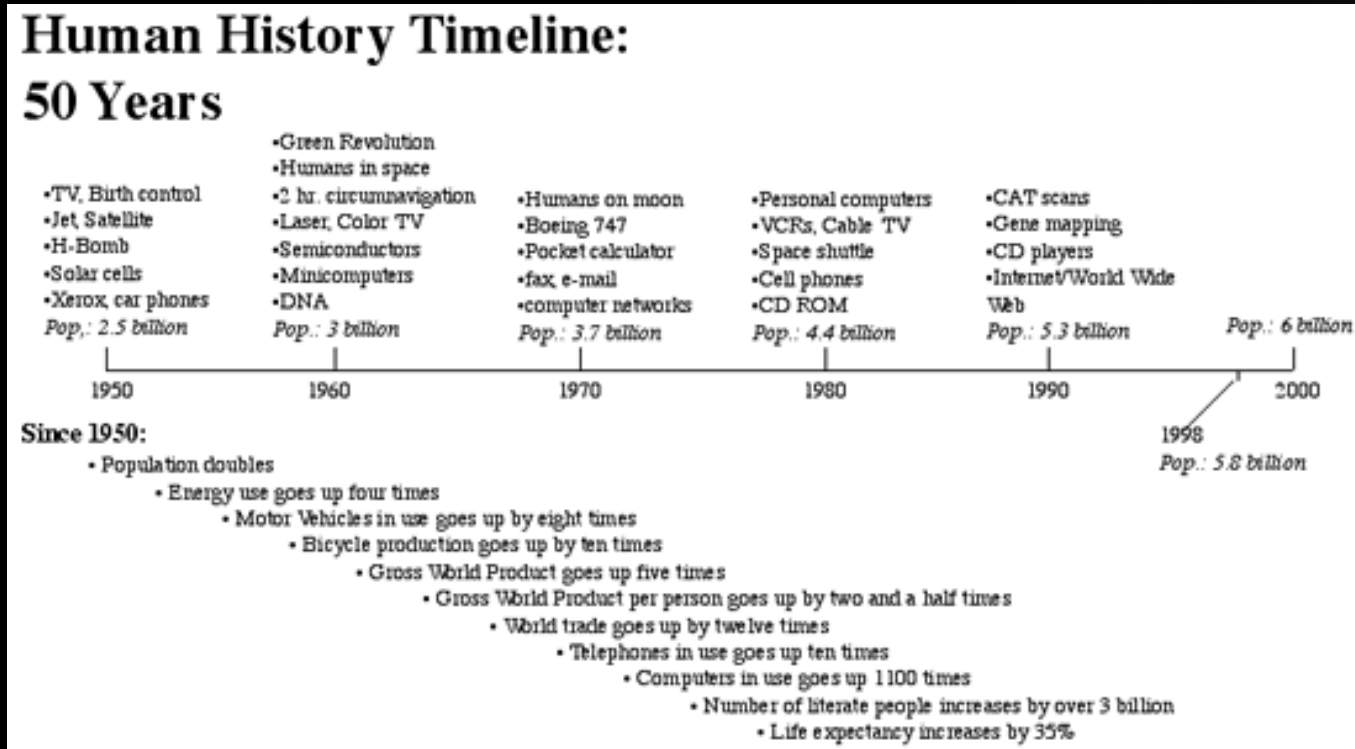


# History of Western Society

## Human History Timeline: 500 Years



# History of Western Society





# Policing in 12<sup>th</sup> and 13<sup>th</sup> Century England



12<sup>th</sup> Century

Kin Policing,

Nightwatch

Pledge System

13<sup>th</sup> Century

Constables

Justice of the Peace

# Policing in 12<sup>th</sup> and 13<sup>th</sup> Century England

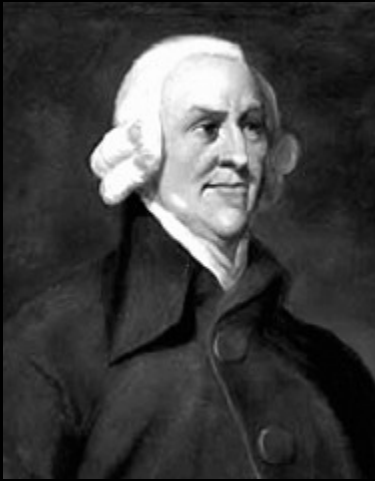
During the reign of Edward I (1285), when England was still in an “infant state of society,” explains Patrick Colquhoun's Georgian treatise, royal officials initiated the “ancient practice” of commandeering private persons to “discover criminal persons flying from justice.” This practice, known alternatively as the “hue and cry” and *jurata ad arma* during the thirteenth century, would eventually become the *posse comitatus*. Over time, authorities repeatedly used the *posse* to subdue seemingly ubiquitous countryside mobs. To quell these affrays, for instance, the Riot Act of 1714 commanded “all his Majesty's Subjects of Age and Ability” to lend their assistance to the local sheriff.<sup>19</sup>

**THE FEDERAL POSSE COMITATUS DOCTRINE: SLAVERY, COMPULSION, AND STATECRAFT IN MID-NINETEENTH-CENTURY AMERICA**

Gautham Rao Law and History Review

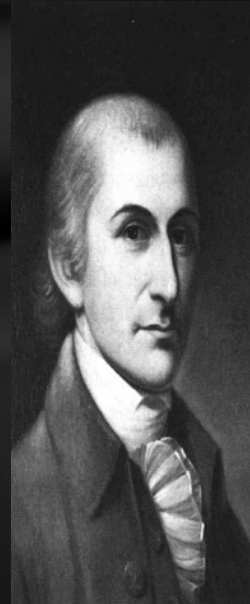
# The Role of Government in A Capitalist Society

*"Till there be property there can be no government, the very end of which is to secure wealth, and to defend the rich from the poor."*



"Civil government, so far as it is instituted for the security of property, is in reality instituted for the defense of the rich against the poor, or of those who have some property against those who have none at all."

*"Landholders ought to have a share in the government, to support these invaluable interests and to balance and check the other. They ought to be so constituted as to protect the minority of the opulent against the majority."*



"Those who own the country ought to govern it."



# COMMUNITY POLICING

## Sir Robert Peel - 1812

- Metropolitan Police Service – 1829
- Bobbies

## United States – 1700's

- Sheriffs and Constables
- Duties: Maintaining order; regulating specialized functions such as selling in the market and delivering goods; maintaining health and sanitation; managing pests and other animals; ensuring the orderly use of streets by vehicles; controlling liquor, gambling, vice, and weapons; and keeping watch for fires; **controlling slaves and Indians**



# Early “Community Policing”

Americans heeded the call to serve in local *posses*, explained jurist Edward Livingston, because of communal “ties of property, of family, of love of country and of liberty.” Such civic obligations, wrote Alexis de Tocqueville in 1835, illustrated why Americans had such a pressing “interest in ... arresting the guilty man.” At once coercive and communitarian, lamented Henry David Thoreau, the *posse comitatus* exemplified how those that “serve the state ... with their bodies,” were “commonly esteemed good citizens.”<sup>4</sup>

It was also notable that the *posse comitatus* was typically uncompensated. As Justice John Kennedy of the Pennsylvania Supreme Court ruled in *Avery v. Seely* (1841), the “citizens of the county” are “bound, at the call of the sheriff,” to serve as a *posse comitatus*, “without any compensation or allowance being made for it,” and “without any reward being prescribed for ... doing so.”

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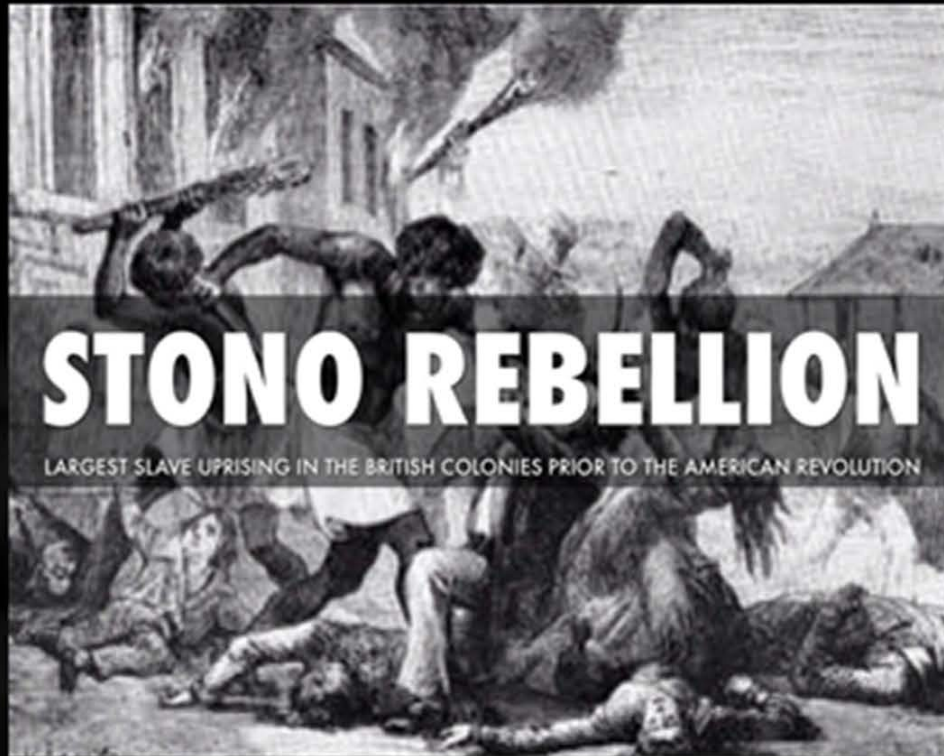
# Early “Community Policing” and Slavery

## South Carolina – 1739

- *Slave Patrols, Slave Code, Origin of Modern Policing*

## Industrial Revolution – 1800's

- *Riots in American Cities due to poverty and living conditions*
- *Watch systems of north and slave patrols of north form modern policing*



# STONO REBELLION

Jemmy and his group recruited nearly 60 other slaves and killed some whites before being intercepted and defeated by South Carolina [militia](#) near the [Edisto River](#). A group of slaves escaped and traveled another 30 miles (50 km) before battling a week later with the militia. Most of the captured slaves were executed; the surviving few were sold to markets in the [West Indies](#).

In response to the rebellion, the South Carolina legislature passed the [Negro Act of 1740](#), which restricted slave assembly, education, and movement. It also enacted a 10-year moratorium against importing African slaves, because they were considered more rebellious, and established penalties against [slaveholders'](#) harsh treatment of slaves. It required legislative approval for each act of [manumission](#), which slaveholders had previously been able to arrange privately. This sharply reduced the rate of manumissions in the state.

In addition, the legislature passed the [Negro Act of 1740](#) to tighten controls: it required a ratio of one white to ten blacks on any plantation. It prohibited slaves from growing their own food, assembling in groups, earning money, or learning to read. In the uncertain world of the colony, several of the law's provisions were based on the assumption that whites could effectively judge black character; for instance, whites were empowered to examine blacks who were traveling outside a plantation without passes, and to take action.<sup>L</sup>

# Slave Patrols





# SLAVE PATROLS

Cumulatively known as “the negro law,” such practices of police much depended on the watchful eyes and compulsory assistance of white citizens. It was “*the duty of every good citizen*” finding a slave at large,” ruled the Mississippi Supreme Court in 1845, to “deliver him to the nearest justices of the peace.” This duty, ruled the same court a decade later, was as much a private duty to one's fellow slaveholders, as it was a public duty to guarantee “the safety of the community itself.” After all, lurking fugitive slaves could lead to slave revolts, the antebellum south's “greatest nightmare.”<sup>35</sup>

After all, the South's law of fugitive slaves had long maintained, “it is the duty of every good citizen, who finds a slave at large ... to deliver him to the nearest justice of the peace, for commitment.” Thus, a national duty to assist in the recovery of fugitive slaves imposed the legal norms of slave society on free states. The federal *posse comitatus* would, quite literally, compel the North to accept the legitimacy of slavery. In this way, the federal *posse comitatus* doctrine was a blueprint of the South's vision for a truly slaveholding republic.<sup>10</sup>

**THE FEDERAL POSSE COMITATUS DOCTRINE: SLAVERY, COMPULSION, AND STATECRAFT IN MID-NINETEENTH-CENTURY AMERICA**

Gautham Rao Law and History Review

# Slave Patrols and Fugitive Slave Act of 1850

## *Prigg v. Pennsylvania (1842)*

But it was only with the *Prigg v. Pennsylvania* (1842), that the basic framework for policing fugitive slaves shifted from considerations of state to national power. Essentially, *Prigg* weighed the constitutionality of the Personal Liberty Law: did the states have the power to legislate as to the mechanism for seizing and reclaiming runaways? Certainly not, ruled Justice Joseph Story and a highly fractured bench. But Story took the matter a step further. It was not simply that the states could not hinder slaveowners' right of recapture. Rather, it was that the federal government possessed exclusive jurisdiction over fugitive slaves in free states. And since these would be *federal* laws, "the states ... cannot be compelled to enforce them."<sup>56</sup> As *Prigg* absolved the states of any enforcement burden, then, it forced slaveholders to drastically reframe their approach to the problem of fugitive slaves. Where the South had previously sought to compel the states to enforce fugitive slave legislation, they would now, for better or worse, be forced to rely on the federal government for assistance.

## *Fugitive Slave Act of 1850*

As to the matter of enforcement, the 1850 law turned again to the U.S. Marshals. The new bill placed no enforcement burdens on customs officials, postmasters, and clerks. Instead, where and "*when needed*," commissioners and marshals would "summon and call to their aid the bystanders, or *posse comitatus* of the proper county." Here, then, lay the *via media* between James Mason's suggestion of federal officers "at every point, in every county," and the South's system of "unceasing vigilance." Indeed, what was so institutionally innovative about the Fugitive Slave Law of 1850 was the notion that citizens themselves would do the work of the federal state.

# Reconstruction and the Posse Comitatus Act of 1878

For Merrimon and his likeminded colleagues, the remedy was the Posse Comitatus Act of 1878, which barred the use of the military as a *posse comitatus*. It was a decisive rejection of the Mansfield Doctrine: what indeed differentiated “citizens” from “soldiers” was the geographic reality of American federal governance. If the marshal sought a *posse* of civilians to protect African-Americans, he would fail, as he had throughout Reconstruction. But military force came from without and it could not be controlled by local norms. In short, the Posse Comitatus Act was a message to the North and to the world, that it would take external force, with bayonets behind <sup>53</sup> it, to compel the South to accept the basic doctrines of Reconstruction. As for the North, it remains to be seen whether or not it had succumbed to yet another dubious “compromise.” Less obscure, however, is the fact that it had dropped the instruments of coercion, and located the tools of conciliation.<sup>147</sup>

In the end, the debate and passage of the Posse Comitatus Act of 1878 was a self-serving moment of historical absolution. Said Senator Aaron Sargent of California, it was a “doctrine invoked in behalf of slavery.” It was then “a wrong enunciation,” as it was now. Added a colleague, “it was never lawful, it never will be lawful.” Yet another, recalling the Anthony Burns incident of 1854, concluded, “I do not believe that there ever was any authority for calling out the United States troops in Boston.” In fact, Senator Henry Teller of Colorado continued, “I then reprobated the act. I did not believe that it was supported by law .... I do not want to see that done in the future.”<sup>148</sup> The Posse Comitatus Act of 1878 was thus a convenient way to forget about this whole sorry era of statecraft--slavery, war, and the “sad experience” of military occupation.

# Posse Comitatus and the American Indian Movement



On February 27, 1973, the American Indian Movement, a radical Native American group, seized the town of Wounded Knee in the Pine Ridge Indian Reservation in order to protest a tribal chairman.<sup>65</sup> This sparked a seventy-one day standoff against federal law enforcement officials.<sup>66</sup> In order to help the civilian law enforcement, the Department of Defense sent a representative to give tactical advice and assess how the military could help.<sup>67</sup> Several individuals were arrested for trying to enter Wounded Knee and were charged with interfering with lawful performance of the officials' duties.<sup>68</sup> At trial, the defendants proffered that law enforcement officials acted outside their legal authority when they made their arrests based on their use of military equipment and the military's involvement, generally.<sup>69</sup> The federal district courts in Nebraska, South Dakota, and North Dakota that heard these cases disagreed as to whether the Act had been violated, but each dealt in some detail with the Posse Comitatus Act, which was now on the radar of American jurisprudence.<sup>70</sup>

TRADING POLICE FOR SOLDIERS: HAS THE POSSE COMITATUS ACT HELPED MILITARIZE OUR POLICE AND SET THE STAGE FOR MORE FERGUSONS?

Arthur Rizer Nevada Law Journal



# Exceptions to the Posse Comitatus Act

## *Homeland Security Act of 2002*

Specifically, section 466(a)(4) of the HSA excepts enforcement of the Posse Comitatus Act “when the use of the Armed Forces is authorized by [an] Act of Congress or the President determines that the use of the Armed Forces is required to fulfill the President's obligations under the Constitution to respond promptly in time of war, insurrection, or other serious emergency.”<sup>107</sup> Consequently, according to the HSA, the President may call out soldiers for a civilian law enforcement function so long as the President deems the deployment necessary to respond to insurrection, war, or some other major emergency.<sup>108</sup>

## *Insurrection Act*

Using federal troops to fight an insurrection is not a new concept introduced by the HSA. The Insurrection Act has been in existence since 1792 “in one form or another.”<sup>110</sup> In its original form, the Insurrection Act was passed pursuant to the Constitution's Article I “calling forth” clause and “it limited the President to using militia in response to invasion, insurrection, or obstructions of laws ‘too powerful to be suppressed by the ordinary course of judicial proceedings.’”<sup>111</sup> In a later version, Congress expanded the Act in order to give the President the power to respond to hostilities with Spain and to take action against the Aaron Burr Conspiracy.<sup>112</sup> In the contemporary version of the Insurrection Act, Congress has given the President the power to (1) “use . . . the armed forces, as he considers necessary to suppress the insurrection”;<sup>113</sup> (2) send federal troops when it is “impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings”;<sup>114</sup> (3) “suppress the rebellion”;<sup>115</sup> and (4) “respond to failures by the states to guarantee the rights, privileges, and immunities guaranteed by the Constitution.”<sup>116</sup>

## *Military Support for Civilian Authorities “Act”*

The military, through the Department of Defense (DOD), partitions its support of civil law enforcement into three main categories: Military Support to Civil Authorities, DOD Cooperation with Civilian Law Enforcement Officials, and Military Assistance for Civil Disturbances.<sup>117</sup> Each category is promulgated \*485 by a detailed directive published by the DOD, which outlines the DOD's guidance to military and civilian law enforcement and the parameters of the authorization to use military personnel, training, and equipment in civilian missions

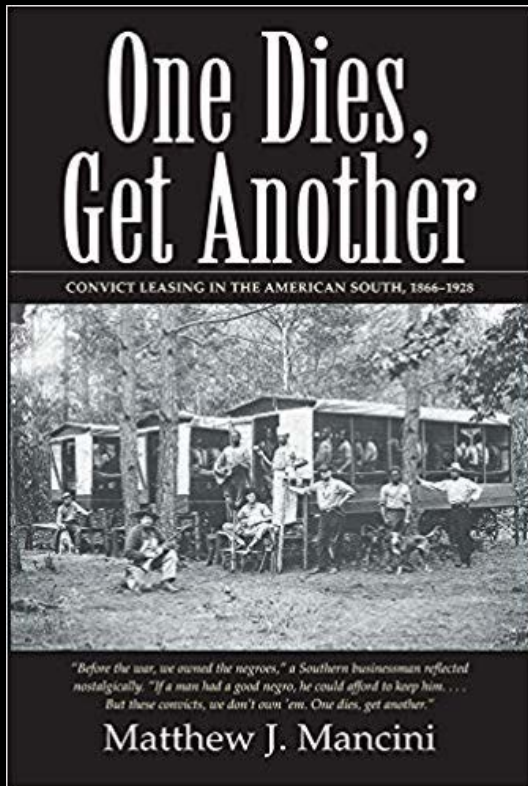
## *The Stafford Act*

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (the “Stafford Act”) is the chief weapon in the federal government's arsenal when responding to a natural disaster within the borders of the United States.<sup>118</sup>

**TRADING POLICE FOR SOLDIERS: HAS THE POSSE COMITATUS ACT HELPED MILITARIZE OUR POLICE AND SET THE STAGE FOR MORE FERGUSONS?**

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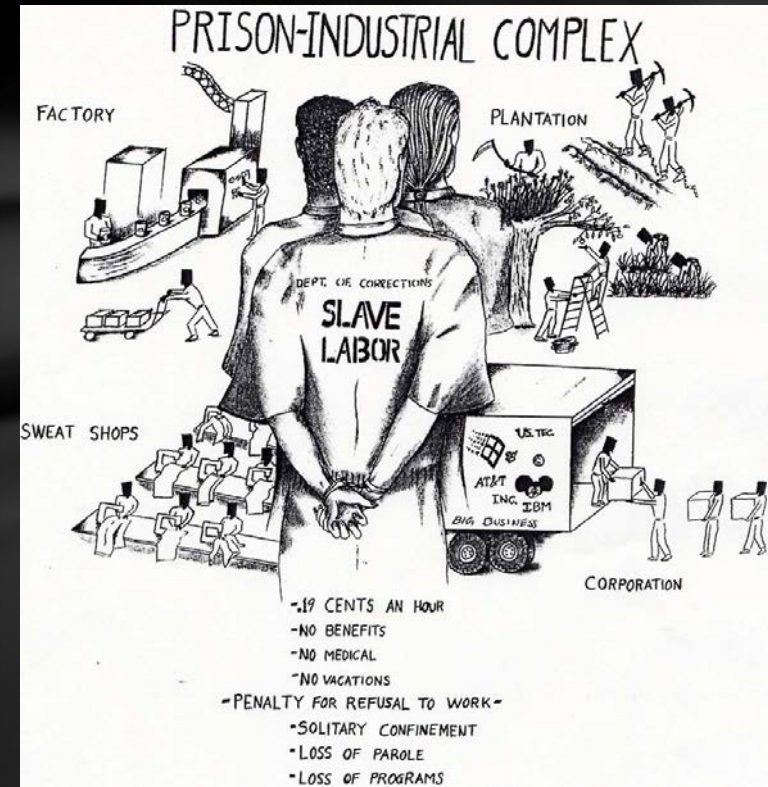
# Policing and the 13<sup>th</sup> Amendment: Convict Leasing



After the Civil War, slavery persisted in the form of convict leasing, a system in which Southern states leased prisoners to private railways, mines, and large plantations. While states profited, prisoners earned no pay and faced inhumane, dangerous, and often deadly work conditions. Thousands of black people were forced into what authors have termed “slavery by another name” until the 1930s.

# Policing and the 13th Amendment: Prison Slavery

Industrialization, economic shifts, and political pressure ended widespread convict leasing by World War II, but the Thirteenth Amendment's dangerous loophole still permits the enslavement of prisoners who continue to work without pay in various public and private industries. As recently as 2010, a federal court held that "prisoners have no enforceable right to be paid for their work under the Constitution."



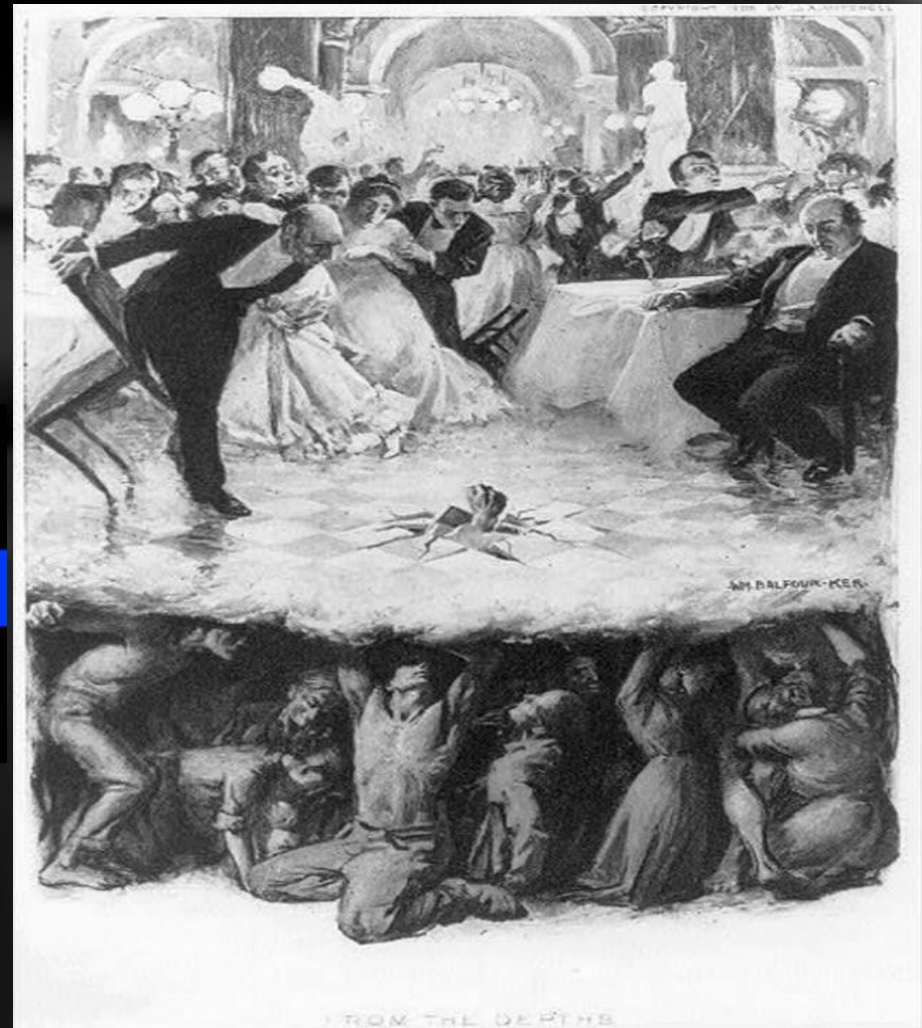


# Industrialization, Immigration, and Policing

*From Slave Patrols to Industrial Wage-Slave Patrols*



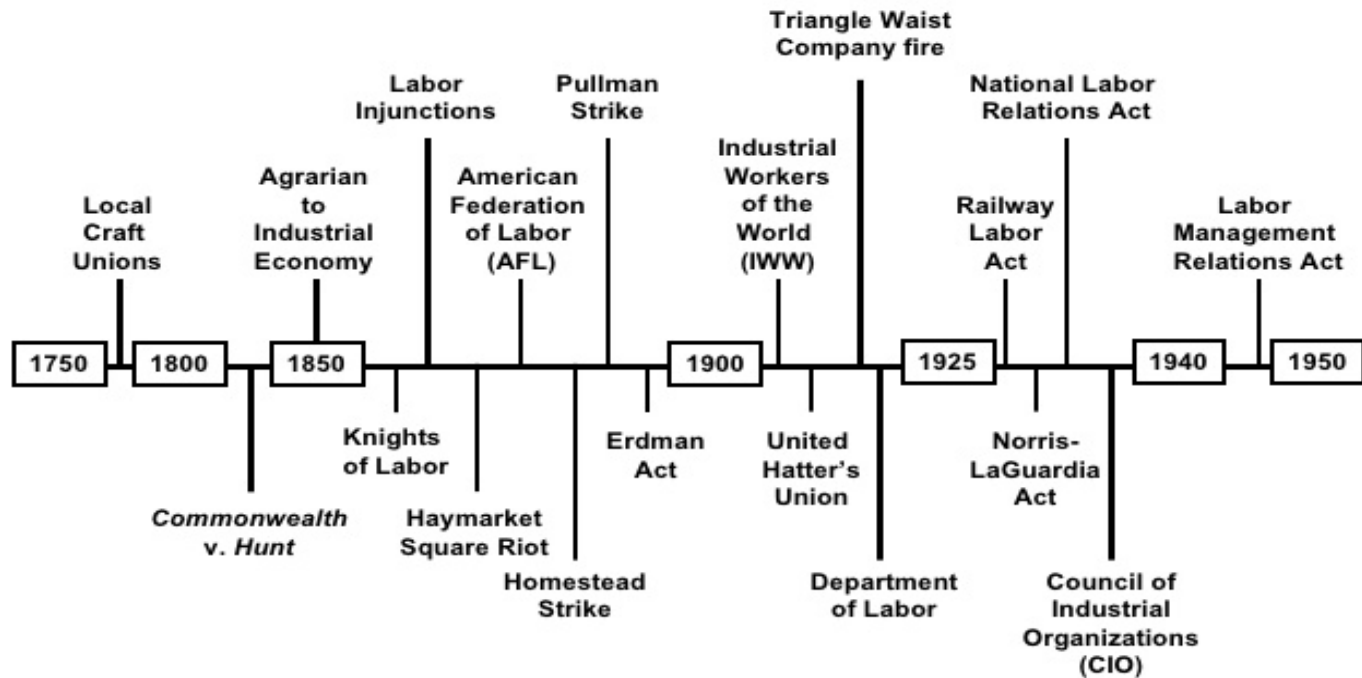
*Industrial/Political Machine In Action*





# Labor Union History and Policing

## U.S Labor History Time-Line



# Labor Union History and Policing

Police strike-breaking took two distinct forms. The first was the most obvious, the forced dispersal of demonstrating workers, usually through the use of extreme violence (Harring 1981). The second was more subtle. In order to prevent the organization of workers in the first place, municipal police made staggering numbers of "public order" arrests. In fact, Harring concludes that 80% of all arrests were of workers for "public order" crimes (Harring 1983). In Chicago, according to Harring the police force was "viciously anti-labor ... On a day-to-day basis it hauled nearly a million workers off to jail between 1975 and 1900 ... for trivial public order offenses" (Harring 1981). In other cities police made use of ambiguous vagrancy laws, called the "Tramp Acts," to arrest both union organized and unemployed workers (Harring 1977).

Anti-labor activity also compelled major changes in the organization of police departments. Alarm boxes were set up throughout cities, and respectable citizens, meaning businessmen, were given keys so that they could call out the police force at a moment's notice. The patrol wagon system was instituted so that large numbers of people could be arrested and transported all at once. Horseback patrols, particularly effective against strikers and demonstrators, and new, improved, longer nightsticks became standard issue.

# Labor Union History and Policing

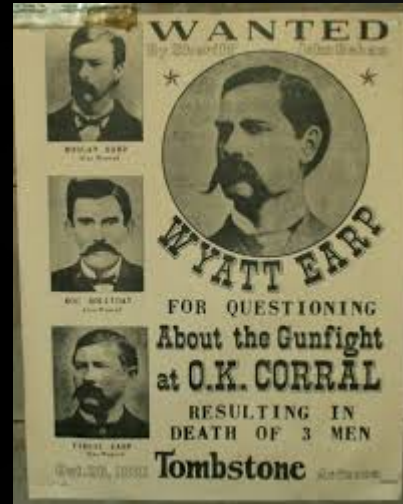
Three compelling issues faced early American police departments:

(1) should police be uniformed;

(2) should they carry firearms;

and (3) how much force could they use to carry out their duties

# Frontier Colonization



Law in the colony aimed to “reduce . . . to civility” those who had “no skill of submission.”<sup>18</sup> Violence was deemed a vital instrument of colonial progress,<sup>19</sup> with law furnishing “the cutting edge of colonialism.”<sup>20</sup> Violence in general, and the violence of law in particular, were seen as playing “the leading part in the creation of civilization.”<sup>21</sup> Colonial rule deemed “[o]ur law . . . a compulsory gospel which admits of no dissent and no disobedience.”<sup>22</sup> This overt concert of law and violence has been aptly characterized “lawfare, the effort to conquer and control indigenous peoples by the coercive use of legal means.”<sup>23</sup> The geo-legal space of colonialism brings into sharp relief “the blood that has dried on the codes of law.”<sup>24</sup>

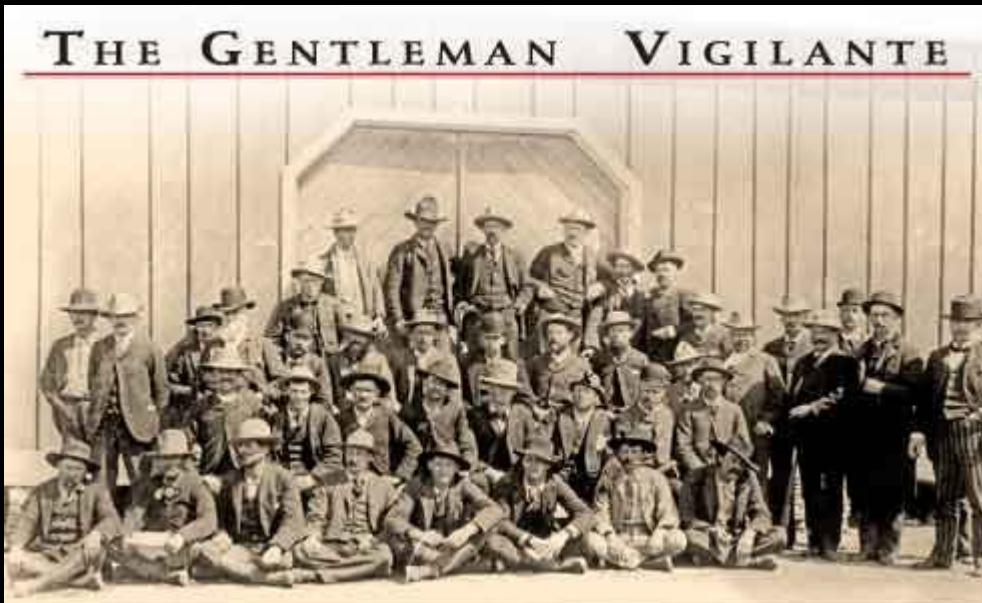
The colonized other, deemed an error of arrested evolution, was prescribed corrective norms of a purportedly higher rational order. This “soul-making” colonial project entailed, among other things, the \*223 entrenchment of a layered legal order.<sup>25</sup> First, the colony was inserted into the global legal system of hierarchically differentiated sovereignties.<sup>26</sup> Second, metropolitan law was transplanted to the colony, supplemented by exceptions that ensured that coercion displaced hegemony as its animating force.<sup>27</sup> Third, through selective recognition, malleable norms of the colonized were truncated and reconstituted as fixed customary law.<sup>28</sup>

## CHEAPER THAN A SLAVE: INDENTURED LABOR, COLONIALISM, AND CAPITALISM

Tayyab Mahmud



# Frontier Policing: Vigilantism



# Police and Law: Heteronomy v. Autonomy

When it came time for state legislators to order the internal police of their state, they turned to Blackstone for drafting advice. As Ernst Freund, the last great American commentator on the police power, explained a century ago in the introduction to his police power treatise, “[t]he influence of Blackstone's arrangement is noticeable in the legislation of those states which have made police one of the principal divisions of their statutory revisions.” To illustrate, Freund notes that “[t]he term police appears first as a division of legislation in the Revised Statutes of New York in 1829, Massachusetts adopted it in the Revision of 1836, it is now also found in Delaware, Iowa, New Hampshire, Ohio, Rhode Island, Washington, and Wisconsin.”<sup>72</sup>

Different colonies were governed according to different models of the household. In Maryland for example, as well as in South Carolina and Pennsylvania, the framework for government derived from its proprietary origin as a commercial enterprise.<sup>77</sup> Its government was a matter of managing property, or of running a corporation. Governed by charters the king granted to private proprietors, the colony was administered to maximize profit. Governing Virginia also was an economic affair, but for a different reason and in a different sense. It spent several of its early years under military government, which presumably influenced the way its colonial administrators conceived of their task.<sup>78</sup>

**“THE POWER TO GOVERN MEN AND THINGS”: PATRIARCHAL ORIGINS OF THE POLICE POWER IN AMERICAN LAW**

**Markus Dirk Dubber Buffalo Law Review**

# Jim Crow

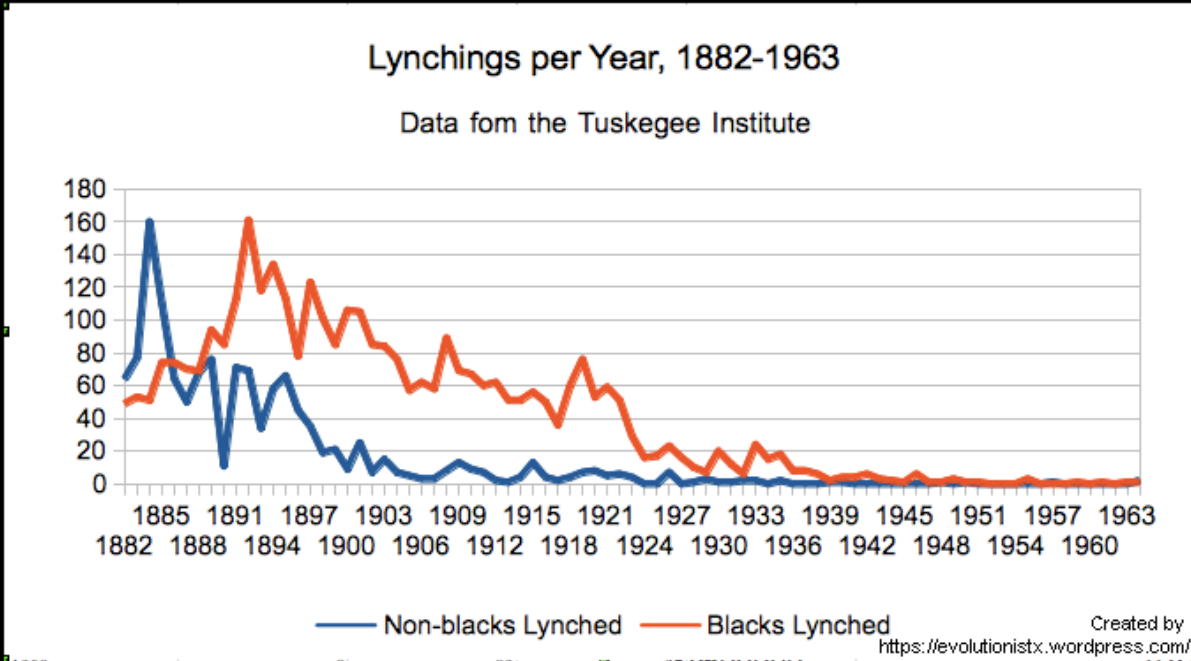


The Black Codes were adopted by states from 1865 to 1866. Although both Northern and Southern states enacted Black Codes, both of which recognized the freedom of former slaves, there was a distinct difference between the laws enacted in the North and South. In general the Northern codes treated Blacks and Whites equally,<sup>17</sup> while the Southern codes assigned freed slaves to blatant conditions of inferiority.<sup>18</sup> From these early codes began the movement toward the Jim Crow Laws.

THE LEGAL CREATION OF RACED SPACE: THE SUBTLE AND ONGOING DISCRIMINATION CREATED THROUGH JIM CROW LAWS

Frances L. Edwards , Grayson Bennett Thompson, AIA

# Southern Vigilantism and Lynching and the Death Penalty





# Police Agency Numbers

Table 1. State and Local Law Enforcement Agencies and Employees, by State, 2008

	State and local			Local police departments			Primary state law enforcement agencies			Agency name
	Law enforcement agencies									
	Number of agencies	Sworn personnel		Number of agencies	Sworn personnel		Number	Sworn personnel		
Number		Per 100,000 residents	Number		Per 100,000 residents	Number		Per 100,000 residents		
U.S. total	17,985	765,246	251	12,501	461,063	151	60,772	20		
Alabama	417	11,631	249	309	7,314	156	763	16	Alabama Department of Public Safety	
Alaska	50	1,298	189	42	793	115	274	40	Alaska State Troopers	
Arizona	140	14,591	224	96	10,518	162	1,244	19	Arizona Department of Public Safety	
Arkansas	367	6,779	236	252	3,924	137	525	18	Arkansas State Police	
California	509	79,431	217	341	39,692	109	7,202	20	California Highway Patrol	
Colorado	246	12,069	245	165	6,881	139	742	15	Colorado State Patrol	
Connecticut	143	8,281	236	120	6,668	190	1,227	35	Connecticut State Police	
Delaware	50	2,131	243	36	1,188	136	658	75	Delaware State Police	
District of Columbia	4	4,262	722	1	3,742	634	—	—		
Florida	387	46,105	250	270	22,506	122	1,606	9	Florida Highway Patrol	
Georgia	628	26,551	274	366	12,947	134	1,048	11	Georgia Department of Public Safety	
Hawaii	7	3,234	251	4	2,807	218	290	23	Hawaii Department of Public Safety	
Idaho	117	3,146	206	71	1,498	98	264	17	Idaho State Police	
Illinois	877	41,277	321	701	28,358	221	2,105	16	Illinois State Police	
Indiana	482	13,171	206	361	7,881	123	1,315	21	Indiana State Police	
Iowa	392	5,830	195	284	3,284	110	669	22	Iowa Department of Public Safety	
Kansas	371	7,450	266	230	4,191	150	525	19	Kansas Highway Patrol	
Kentucky	389	7,833	183	243	4,713	110	882	21	Kentucky State Police	
Louisiana	348	18,050	405	250	6,318	142	1,215	27	Louisiana State Police	
Maine	146	2,569	195	117	1,592	121	334	25	Maine State Police	
Maryland	142	16,013	283	86	10,494	185	1,440	25	Maryland State Police	
Massachusetts	357	18,342	280	314	13,703	209	2,310	35	Massachusetts State Police	
Michigan	571	19,009	190	455	11,408	114	1,732	17	Michigan State Police	
Minnesota	448	9,667	185	346	5,947	114	530	10	Minnesota State Patrol	
Mississippi	342	7,707	262	220	3,960	135	594	20	Mississippi Highway Safety Patrol	
Missouri	576	14,554	244	430	9,810	165	1,028	17	Missouri State Highway Patrol	
Montana	119	1,950	201	54	802	83	218	23	Montana Highway Patrol	
Nebraska	225	3,765	211	123	2,111	118	491	28	Nebraska State Patrol	
Nevada	76	6,643	254	38	4,497	172	417	16	Nevada Highway Patrol	
New Hampshire	208	2,936	222	187	2,322	176	350	26	New Hampshire State Police	
New Jersey	550	33,704	389	476	21,875	252	3,053	35	New Jersey State Police	
New Mexico	146	5,010	252	89	2,882	145	528	27	New Mexico State Police	
New York	514	66,472	341	391	54,145	278	4,847	25	New York State Police	
North Carolina	504	23,442	254	350	11,933	129	1,827	20	North Carolina State Highway Patrol	
North Dakota	114	1,324	206	54	629	98	139	22	North Dakota Highway Patrol	
Ohio	831	25,992	225	678	16,944	147	1,560	14	Ohio State Highway Patrol	
Oklahoma	481	8,639	237	354	5,538	152	825	23	Oklahoma Department of Public Safety	
Oregon	174	6,695	177	129	3,640	96	596	16	Oregon State Police	
Pennsylvania	1,117	27,413	218	965	19,122	152	4,458	35	Pennsylvania State Police	
Rhode Island	48	2,828	268	39	2,258	214	201	19	Rhode Island State Police	
South Carolina	272	11,674	259	184	4,934	110	967	21	South Carolina Highway Patrol	
South Dakota	155	1,636	203	80	900	112	152	19	South Dakota Highway Patrol	
Tennessee	375	15,976	256	251	8,620	138	942	15	Tennessee Department of Safety	
Texas	1,913	59,219	244	788	34,610	142	3,529	15	Texas Department of Public Safety	
Utah	136	4,782	175	90	2,653	97	475	17	Utah Department of Public Safety	
Vermont	69	1,103	178	50	587	95	307	49	Vermont State Police	
Virginia	340	22,848	293	171	10,947	140	1,873	24	Virginia State Police	
Washington	260	11,411	174	204	6,635	101	1,132	17	Washington State Patrol	
West Virginia	233	3,382	186	159	1,427	79	667	37	West Virginia State Police	
Wisconsin	529	13,730	244	429	8,171	145	492	9	Wisconsin State Patrol	
Wyoming	90	1,691	317	58	744	140	204	38	Wyoming Highway Patrol	

Note: Excludes agencies employing less than 1 full-time officer or the equivalent in part-time officers.

Source of data: Bureau of Justice Statistics, "Census of State and Local Law Enforcement Agencies, 2008," NCJ 233982

TABLE 2  
Number of agencies reporting to the UCR, by size of population served, 1992–2012

Year	Size of population served				Total
	9,999 or fewer <sup>a</sup>	10,000–24,999	25,000–99,999	100,000 or more	
1992	9,992	2,724	1,684	320	14,720
1993	10,134	2,734	1,706	333	14,907
1994	10,283	2,741	1,708	336	15,068
1995	10,351	2,766	1,723	339	15,179
1996	10,411	2,798	1,740	346	15,295
1997	10,502	2,798	1,751	350	15,401
1998	10,543	2,808	1,801	365	15,517
1999	10,675	2,818	1,819	368	15,680
2000	10,827	2,838	1,892	382	15,939
2001	10,983	2,851	1,914	384	16,132
2002	11,297	2,859	1,920	387	16,463
2003	11,477	2,852	1,946	396	16,671
2004	11,514	2,862	1,966	405	16,747
2005	11,597	2,875	1,985	410	16,867
2006	11,679	2,887	2,005	414	16,985
2007	11,875	2,886	2,028	418	17,207
2008	11,726	2,872	2,041	429	17,068
2009	11,847	2,874	2,049	434	17,204
2010	11,950	2,862	2,078	434	17,324
2011 <sup>b</sup>	12,479	2,914	2,167	453	18,013
2012	12,028	2,852	2,067	451	17,398

Note: Agencies that reported zero employees to the UCR in the reference year were excluded from all reported counts.

<sup>a</sup>Some agencies were classified by the UCR as a metropolitan statistical area (MSA) state police or non-MSA police and were assigned no population by the FBI because all the population under their jurisdiction was served primarily by other law enforcement agencies.

<sup>b</sup>The number of small agencies (those serving populations of 9,999 or fewer) reporting police employee data to the UCR in 2011 was greater than that reported in any other year examined. Targeted analyses revealed that agencies reporting in 2011, but not in 2010 or 2012, were often specialized agencies (e.g., transit police) or agencies that may be covered by others (e.g., county-level reports from state agencies).

Source: Bureau of Justice Statistics, based on data from the FBI, Uniform Crime Reporting (UCR) Program police employee data, 1992–2012.

# Police Agency Numbers

**TABLE 1**

**Federal agencies employing 250 or more full-time personnel with arrest and firearm authority, September 2008**

Agency	Number of full-time officers	Percent change 2004–2008
U.S. Customs and Border Protection	36,863	33.1%
Federal Bureau of Prisons	16,835	10.7
Federal Bureau of Investigation	12,760	4.2
U.S. Immigration and Customs Enforcement	12,446	19.7
U.S. Secret Service	5,213	9.3
Administrative Office of the U.S. Courts*	4,696	13.8
Drug Enforcement Administration	4,308	-2.1
U.S. Marshals Service	3,313	2.5
Veterans Health Administration	3,128	29.1
Internal Revenue Service, Criminal Investigation	2,636	-5.1
Bureau of Alcohol, Tobacco, Firearms and Explosives	2,541	7.1
U.S. Postal Inspection Service	2,288	-23.1
U.S. Capitol Police	1,637	6.6
National Park Service - Rangers	1,404	-8.6
Bureau of Diplomatic Security	1,049	27.2
Pentagon Force Protection Agency	725	50.4
U.S. Forest Service	644	7.3
U.S. Fish and Wildlife Service	598	-15.5
National Park Service - U.S. Park Police	547	-10.6
National Nuclear Security Administration	363	24.3
U.S. Mint Police	316	-16.0
Amtrak Police	305	-3.8
Bureau of Indian Affairs	277	-13.4
Bureau of Land Management	255	2.4

Note: Excludes employees based in U.S. territories or foreign countries and offices of inspectors general (see table 3).

\*Limited to federal probation officers employed in federal judicial districts that allow officers to carry firearms.

Source: Bureau of Justice Statistics, Census of Federal Law Enforcement Officers, 2004 and 2008.

**TABLE 2**

**Federal agencies employing fewer than 250 full-time personnel with arrest and firearm authority, September 2008**

Agency	Number of full-time officers
Bureau of Engraving and Printing	207
Environmental Protection Agency	202
Food and Drug Administration	183
National Oceanic and Atmospheric Administration	149
Tennessee Valley Authority	145
Federal Reserve Board	141
U.S. Supreme Court <sup>a</sup>	139
Bureau of Industry and Security	103
National Institutes of Health	94
Library of Congress <sup>b</sup>	85
Federal Emergency Management Agency	84
National Aeronautics and Space Administration	62
Government Printing Office	41
National Institute of Standards & Technology	28
Smithsonian National Zoological Park	26
Bureau of Reclamation	21

Note: Excludes employees based in U.S. territories or foreign countries and the offices of inspectors general (see table 3).

<sup>a</sup>Based on 2006 data reported to the U.S. Government Accountability Office.

<sup>b</sup>The Library of Congress Police ceased operations on October 1, 2009. Its functions were assumed by the U.S. Capitol Police.

Source: Bureau of Justice Statistics, Census of Federal Law Enforcement Officers, 2008.

# The Police Reform Movement

By the 1930s reform themes are established:

- Centralization (bureaucracy)
- standardization of policy and practice,
- merit selection/promotion,
- commitment to crime fighting,
- use of science and technology
- Unintended consequence: paramilitarization of police agencies

By the 1960s, these were all being questioned.

- Urban Riots
- Civil rights movement
- Perceptions about increasing crime
- Kerner Commission also looked at aspects of civil disorders. Found lack of police responsiveness to the community. The most professional departments were the most unresponsive.
- Community policing movement (late 1970s) emerges as an effort to address the problems associated with the professional model of policing.

# The *Warren* Court: Responding to a Constitutional Crisis

***Brown v. Board of Education of Topeka*** 347 U.S. 483 (1954) segregation, "separate ... inherently unequal"

***Griffin v. Illinois*** 351 U.S. 12 (1956) access to court transcript for indigent appeals

***Trop v. Dulles*** 356 U.S. 86 (1958) Eighth Amendment, loss of citizenship, evolving standards of decency

***Dusky v. United States*** 362 U.S. 402 (1960) standard for adjudicative competence

***Mapp v. Ohio*** 367 U.S. 643 (1961) search and seizure, exclusionary rule

***Wong Sun v. United States*** 371 U.S. 471 (1963) fruit of the poisonous tree doctrine in a narcotics case

***Gideon v. Wainwright*** 372 U.S. 335 (1963) right to counsel

***Brady v. Maryland*** 373 U.S. 83 (1963) exculpatory evidence and due process

***Escobedo v. Illinois*** 378 U.S. 478 (1964) right to remain silent

***Cooper v. Pate*** 378 U.S. 546 (1964) The court ruled for the first time that state prison inmates have the standing to sue in federal court to address their grievances under the Civil Rights Act of 1871.

***Brown v. Louisiana*** 383 U.S. 131 (1966) first amendment, right to protest

***Miranda v. Arizona*** 384 U.S. 436 (1966) self-incrimination ("right to remain silent")

***Schmerber v. California*** 384 U.S. 757 (1966) Unless exigent circumstances exist, state may not take warrantless blood sample from a suspect; Evidence from a blood sample is not compelled testimony and therefore does not implicate the Fifth Amendment privilege against self incrimination

***Loving v. Virginia*** 388 U.S. 1 (1967) state laws banning interracial marriage (anti-miscegenation laws)



# The *Warren* Court: Responding to a Constitutional Crisis

*United States v. Wade* 388 U.S. 218 (1967) no police lineup without counsel

*Terry v. Ohio* 392 U.S. 1 (1968) search and seizure, power of police to stop and frisk suspicious persons

*Witherspoon v. Illinois* 391 U.S. 510 (1968) constitutional status of a death-qualified jury

*Pickering v. Board of Education* 391 U.S. 563 (1968) public employees' free speech rights

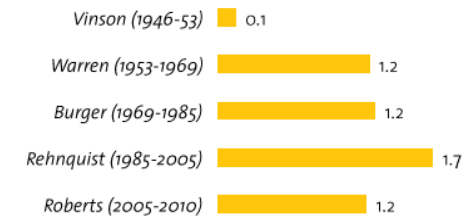
*Shuttlesworth v. Birmingham* 394 U.S. 147 (1969) overbreadth of local ordinance used by city officials to ban civil rights march

*Chimel v. California* 395 U.S. 752 (1969) search and seizure incident to arrest

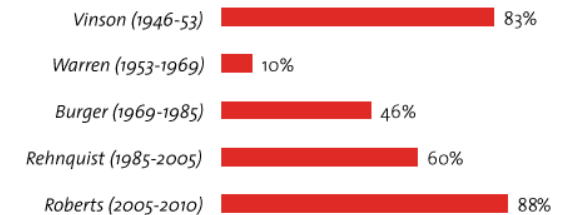
*Benton v. Maryland* 395 U.S. 784 (1969) double jeopardy



Average number of precedents overturned per term, by chief justice



Percentage of precedents overturned by conservative-leaning rulings



Includes only rulings in cases with oral arguments. Source: Supreme Court Database

<http://infogr.am/the-rise-of-swat-teams>

# Theories (explanations) of Police Development.

## ***Disorder-control theory***

*Need to suppress mob violence. Boston had 3 major riots in the years before the founding of the police.*

## ***Crime-control theory***

*Threats to public order create a climate of fear. Government responds by creating police.*

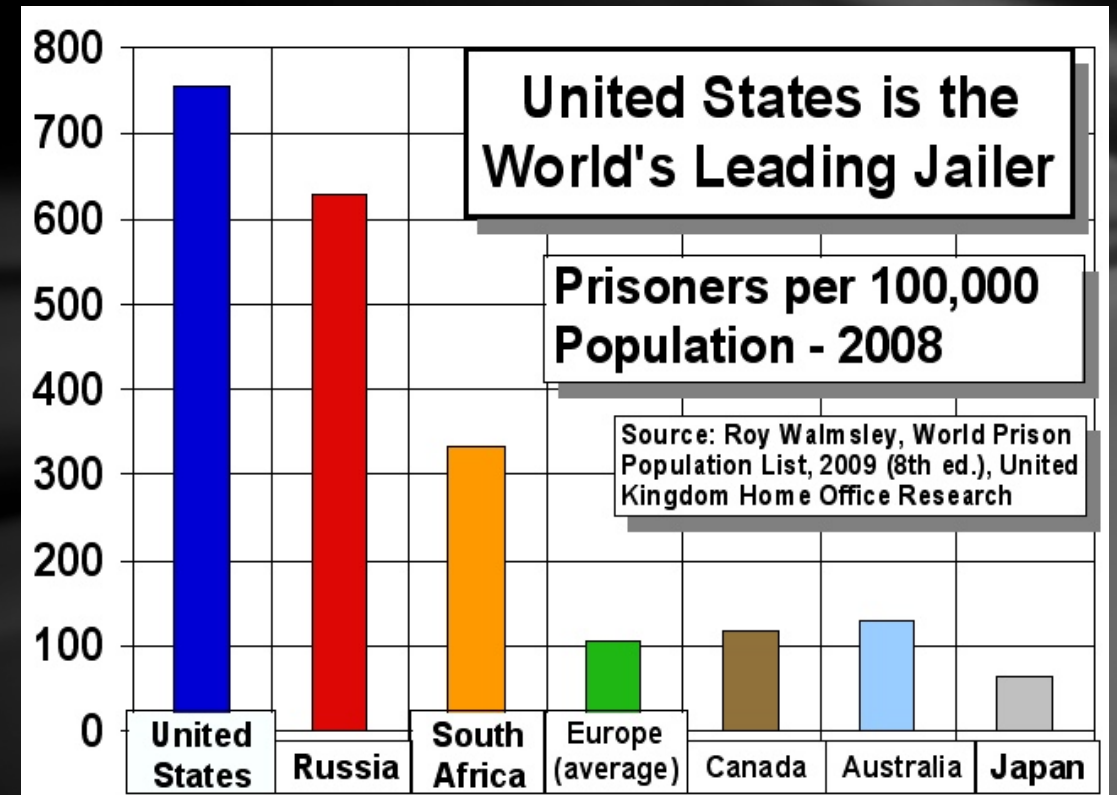
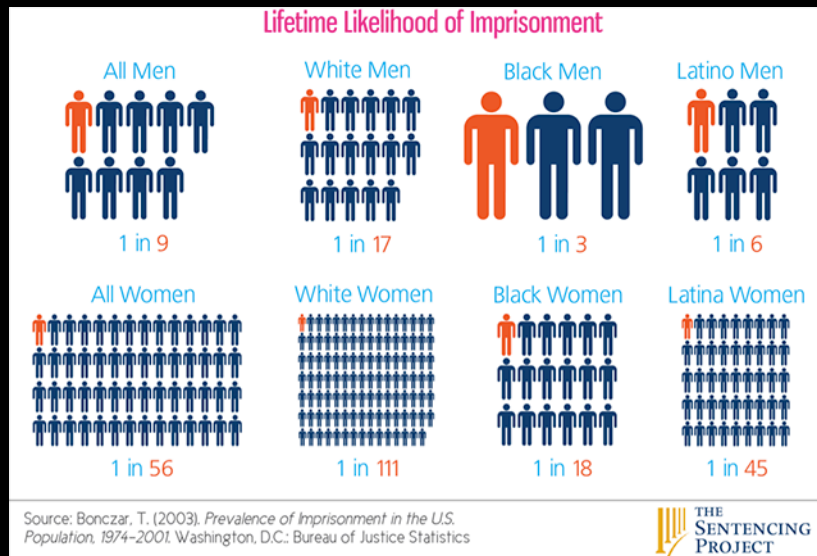
## ***Class-control theory***

*Police reinforce class-based economic exploitation. Exploited labor provided the fuel for capitalism, yet were always perceived as potentially dangerous. Police were needed to ensure control of dangerous classes.*

## ***Urban dispersion theory***

*They were seen as a legitimate part of municipal governance. They underwent a process of dispersion from major metropolitan centers to smaller ones. At the end of the civil war there were still very few. By the late 1800's, virtually all cities had one.*

# Era of Mass Incarceration: The New Jim Crow



# Broken Windows v. Zero Tolerance policing

## Broken Windows

- Wilson and Kelling -1982
- Disorder  $\neq$  Serious Crime
- Instead, Disorder = decreased informal social control, which then leads to more serious crime
- Community-oriented

## Zero Tolerance Policing

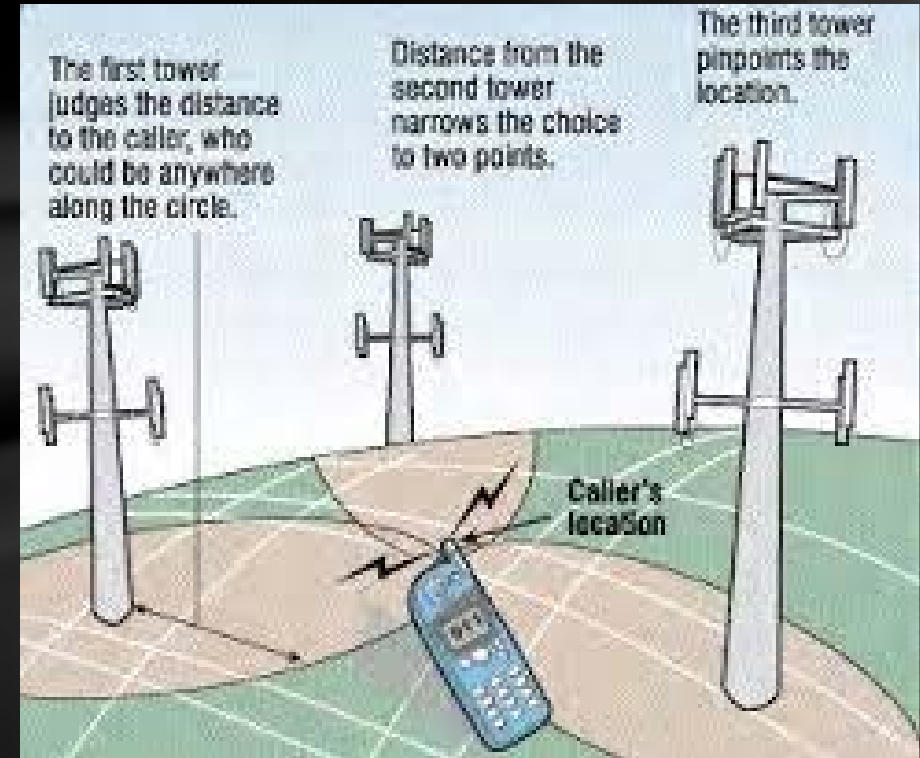
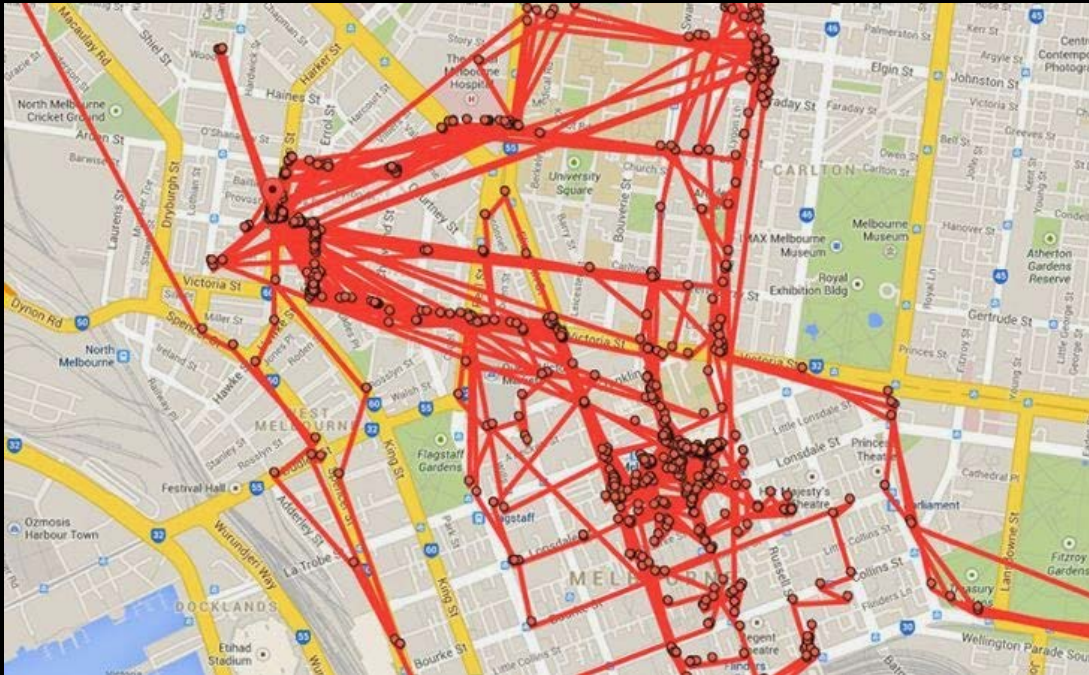
- Disorder aggressively policed
- All violators ticketed or arrested
- Arrest based method, disregarding officer discretion
- Focus on the arrest of all minor offenders
- Reduced crime at expense of police perception in community



# The Modern Police/Surveillance State



# Google data and cell tower location data





# Facial Recognition, License Plate Reader, Stingray

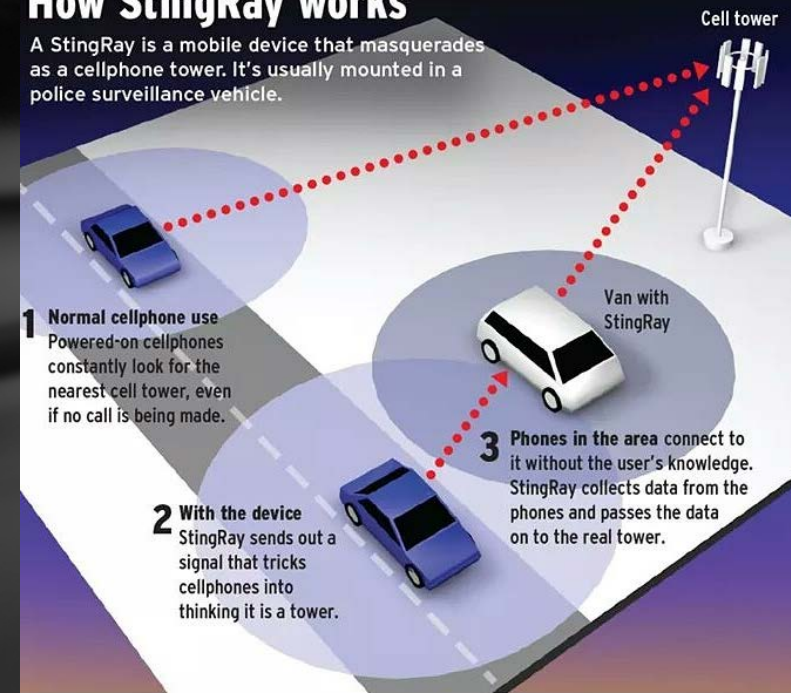


## Grand Rapids Police Use Vigilant Solutions to Reduce Crime and Recapture Revenue



## How StingRay works

A StingRay is a mobile device that masquerades as a cellphone tower. It's usually mounted in a police surveillance vehicle.



Source: USA Today

JEFF GOERTZEN, ST



# Militarization of the Border

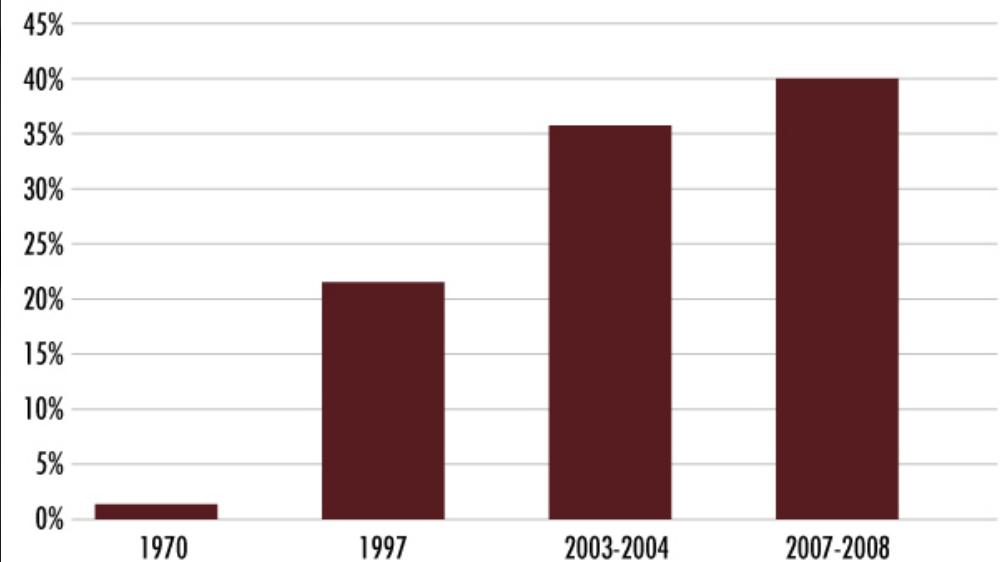




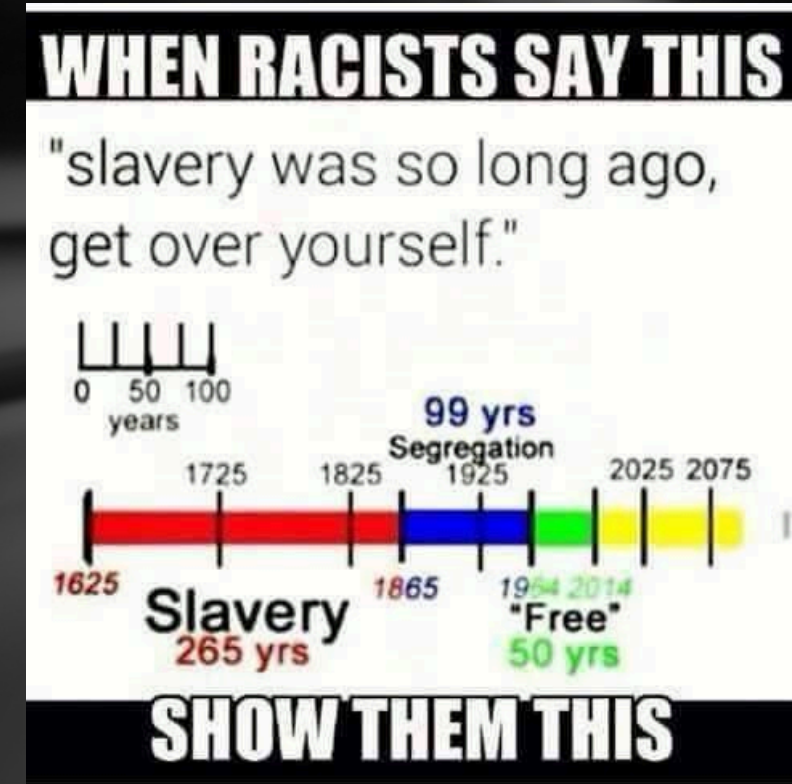
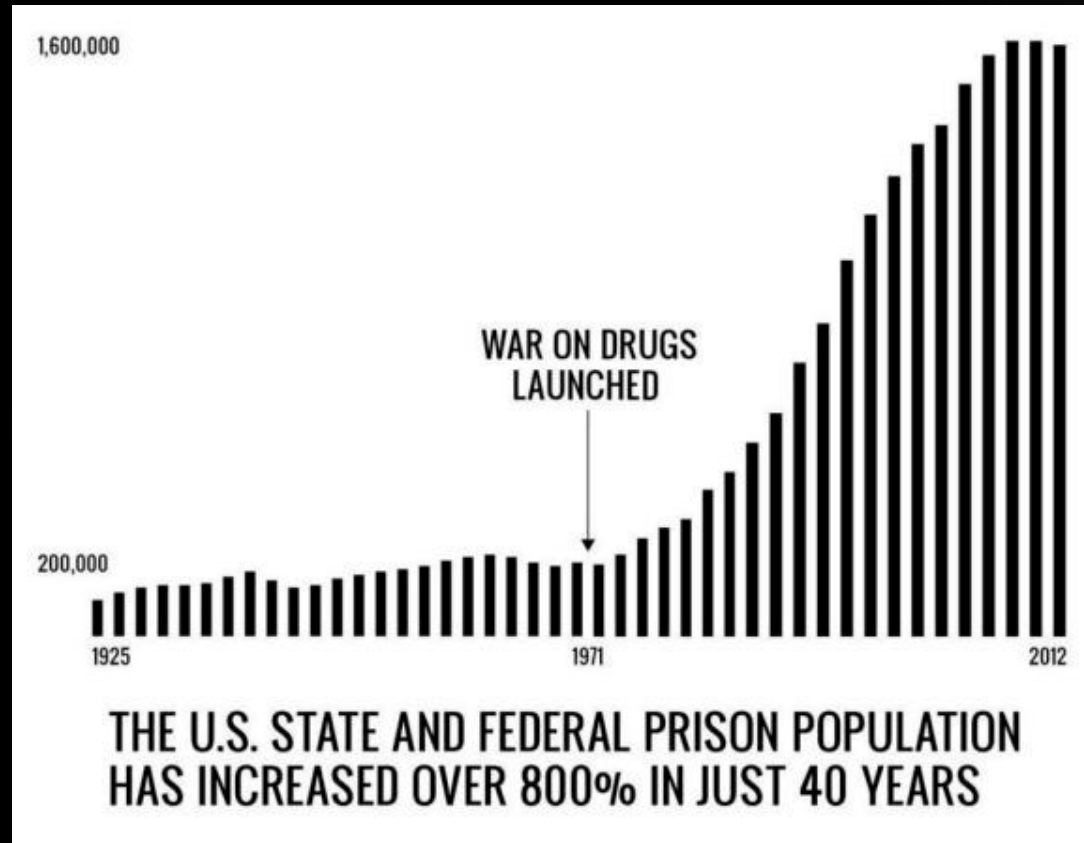
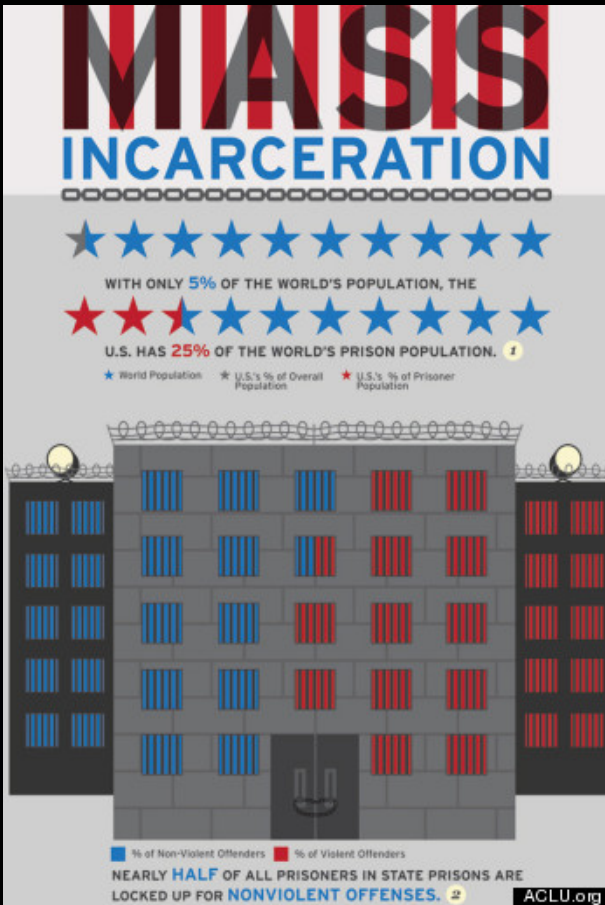
# Criminalization of School Misconduct



Percentage of Schools with Law Enforcement,  
as reported by schools and administrators



# Era of Mass Incarceration: The New Jim Crow



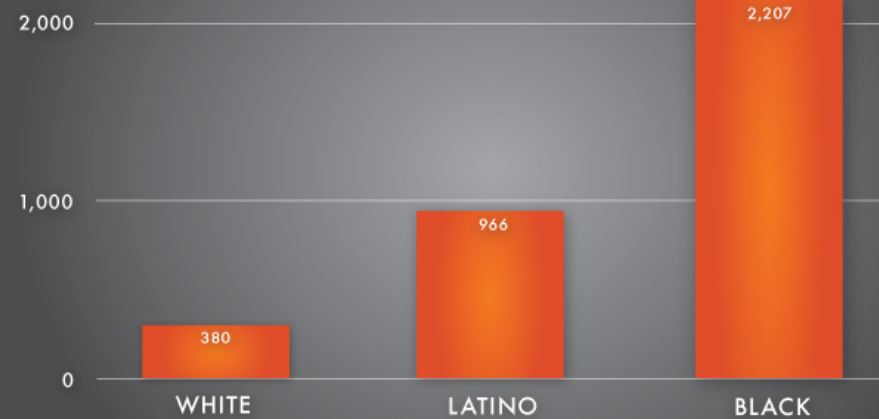
# Era of Mass Incarceration: The New Jim Crow

## People without freedom, 1980-2010



## INCARCERATION RATES BY RACE & ETHNICITY, 2010

(Number of people incarcerated per 100,000 people in that group)



PRISON  
POLICY INITIATIVE

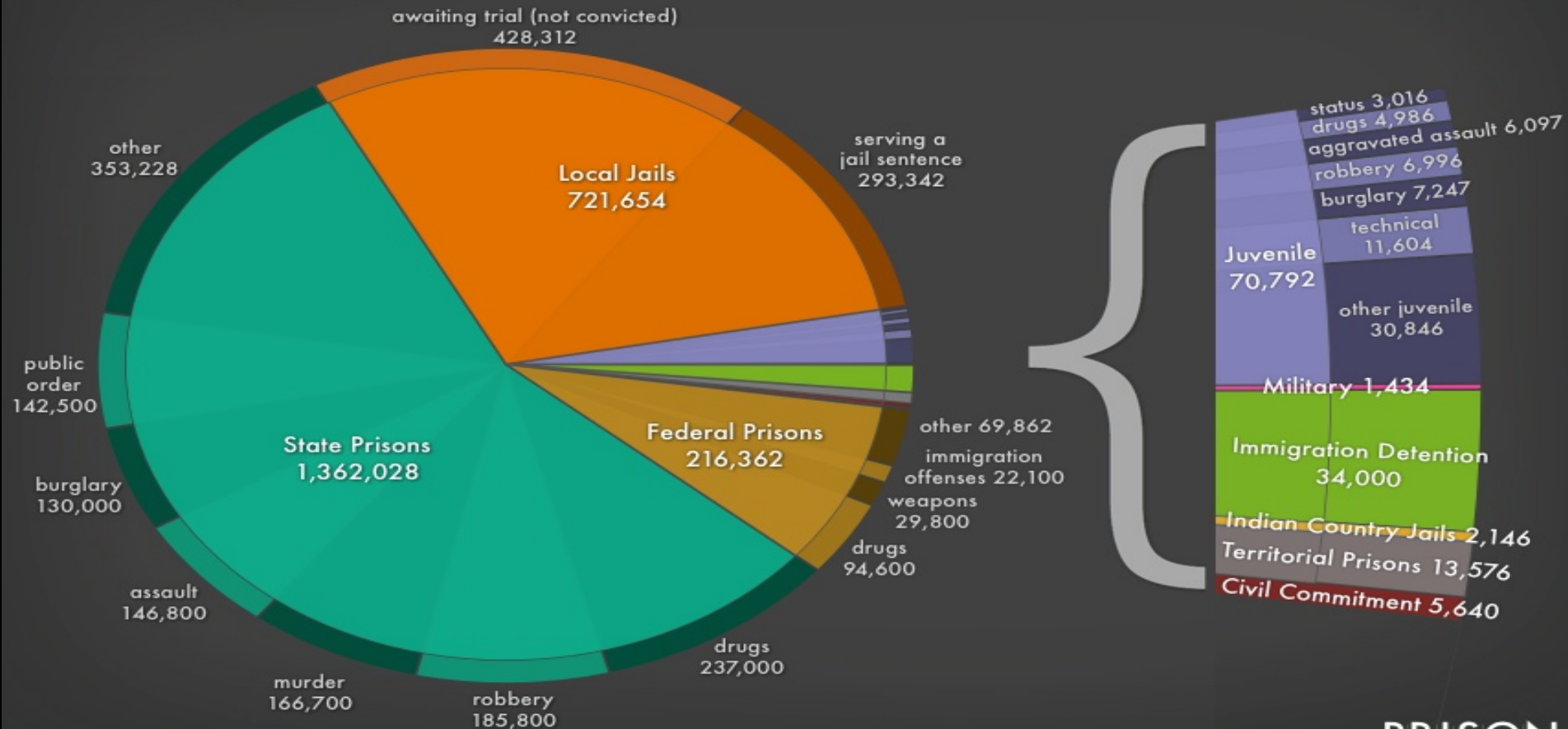
Source: Calculated by the Prison Policy Initiative from Bureau of Justice Statistics, Correctional Population in the United States, 2010 & U.S. Census 2010 Summary File 1.



# Era of Mass Incarceration: The New Jim Crow

## How many people are locked up in the United States?

The United States locks up more people, per capita, than any other nation. But grappling with why requires us to first consider the many types of correctional facilities and the reasons that people are confined there.

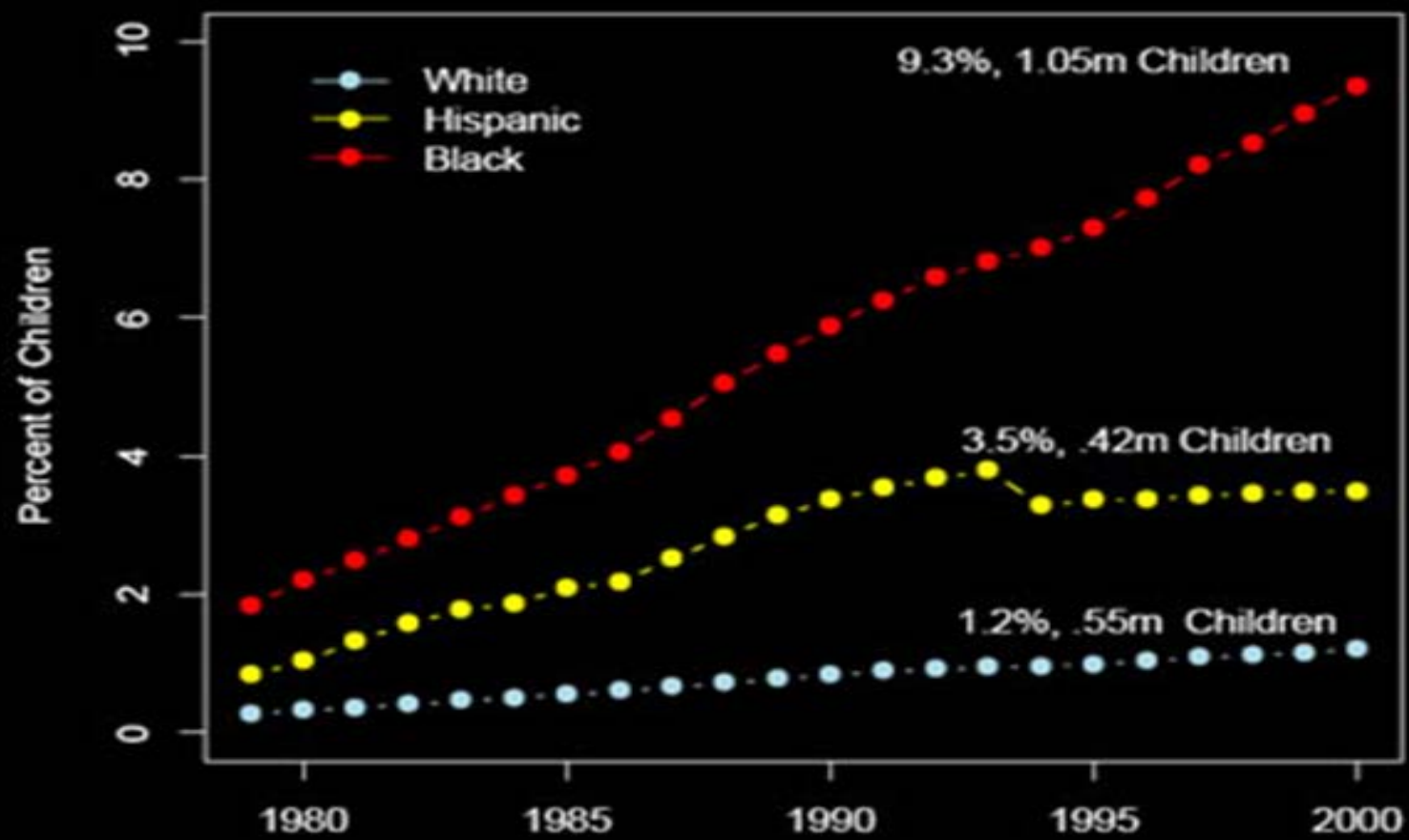


Sources and data notes: See <http://www.prisonpolicy.org/reports/pie.html>

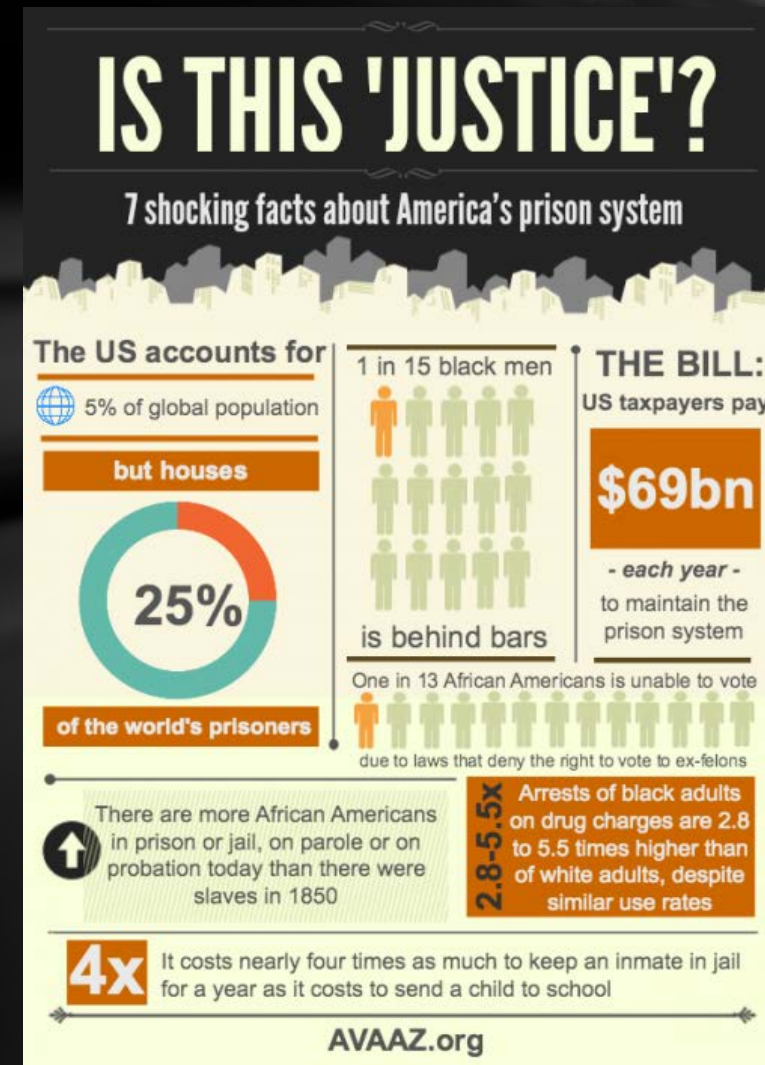
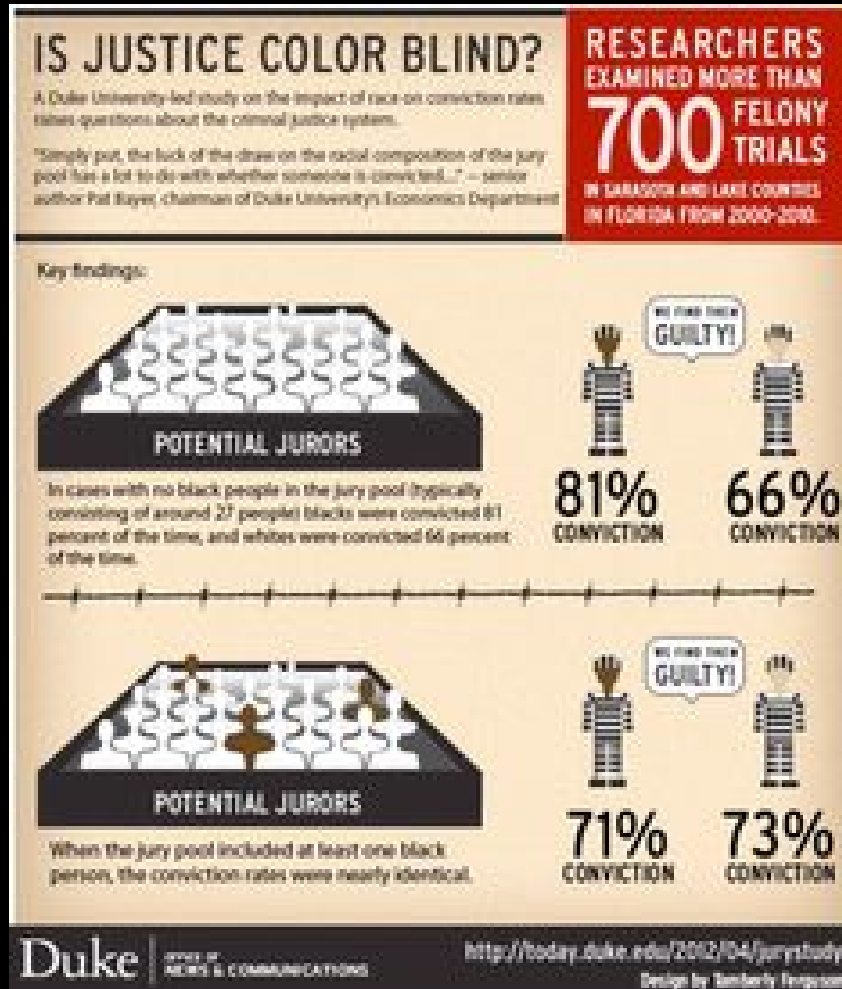
**PRISON**  
POLICY INITIATIVE



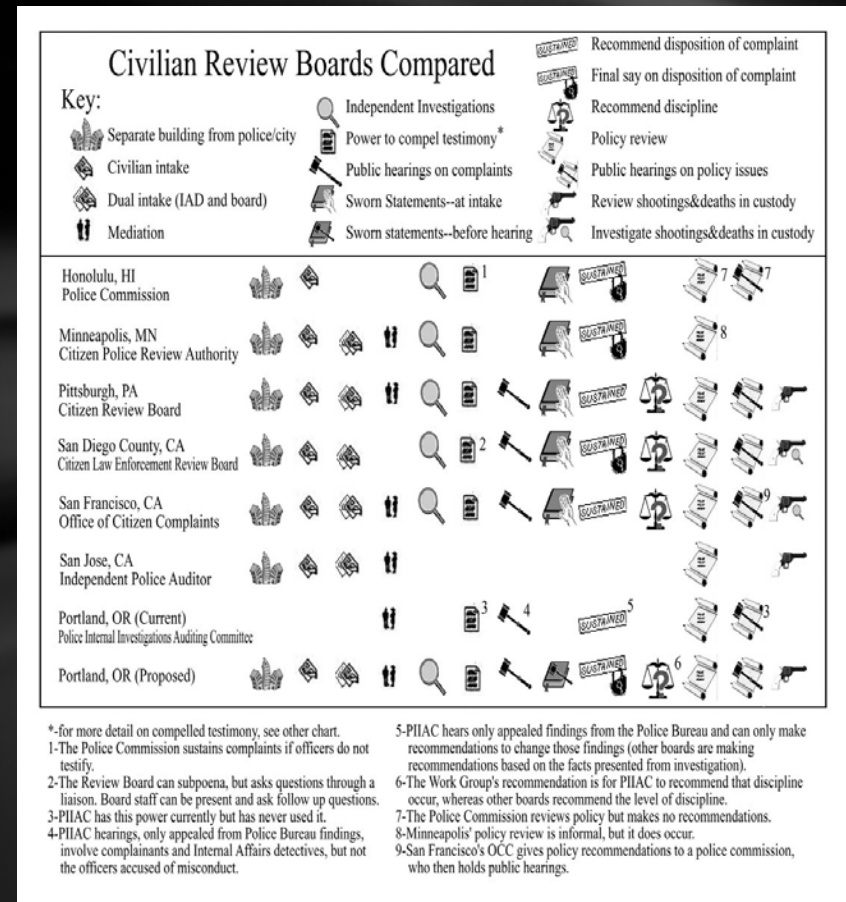
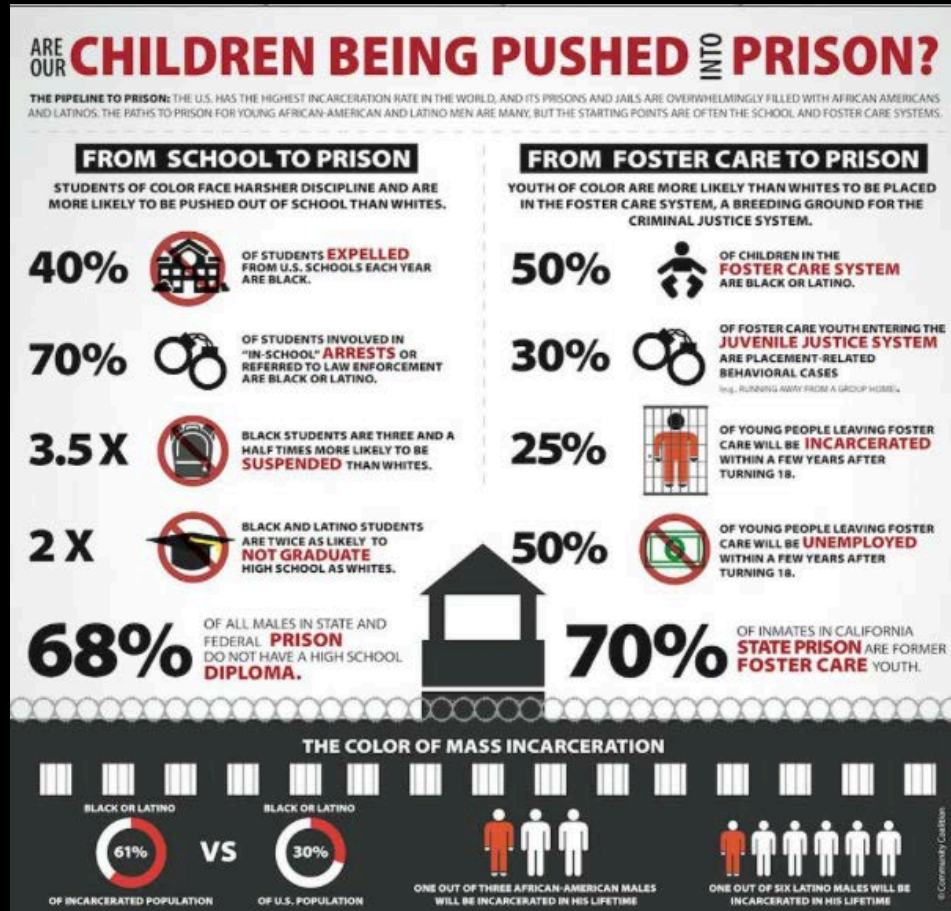
### Children with Incarcerated Fathers



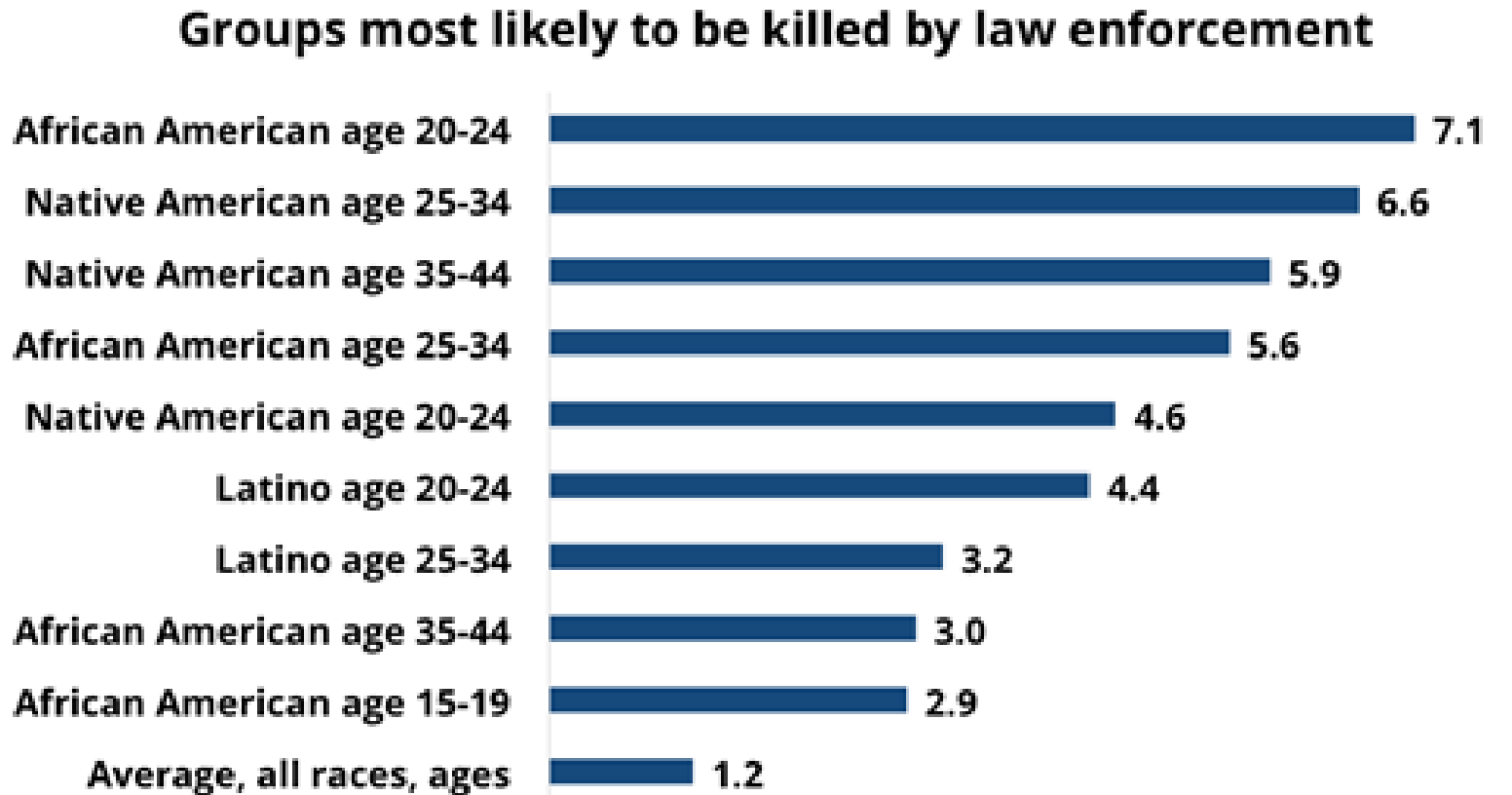
# Era of Mass Incarceration: The New Jim Crow



# Era of Mass Incarceration: The New Jim Crow

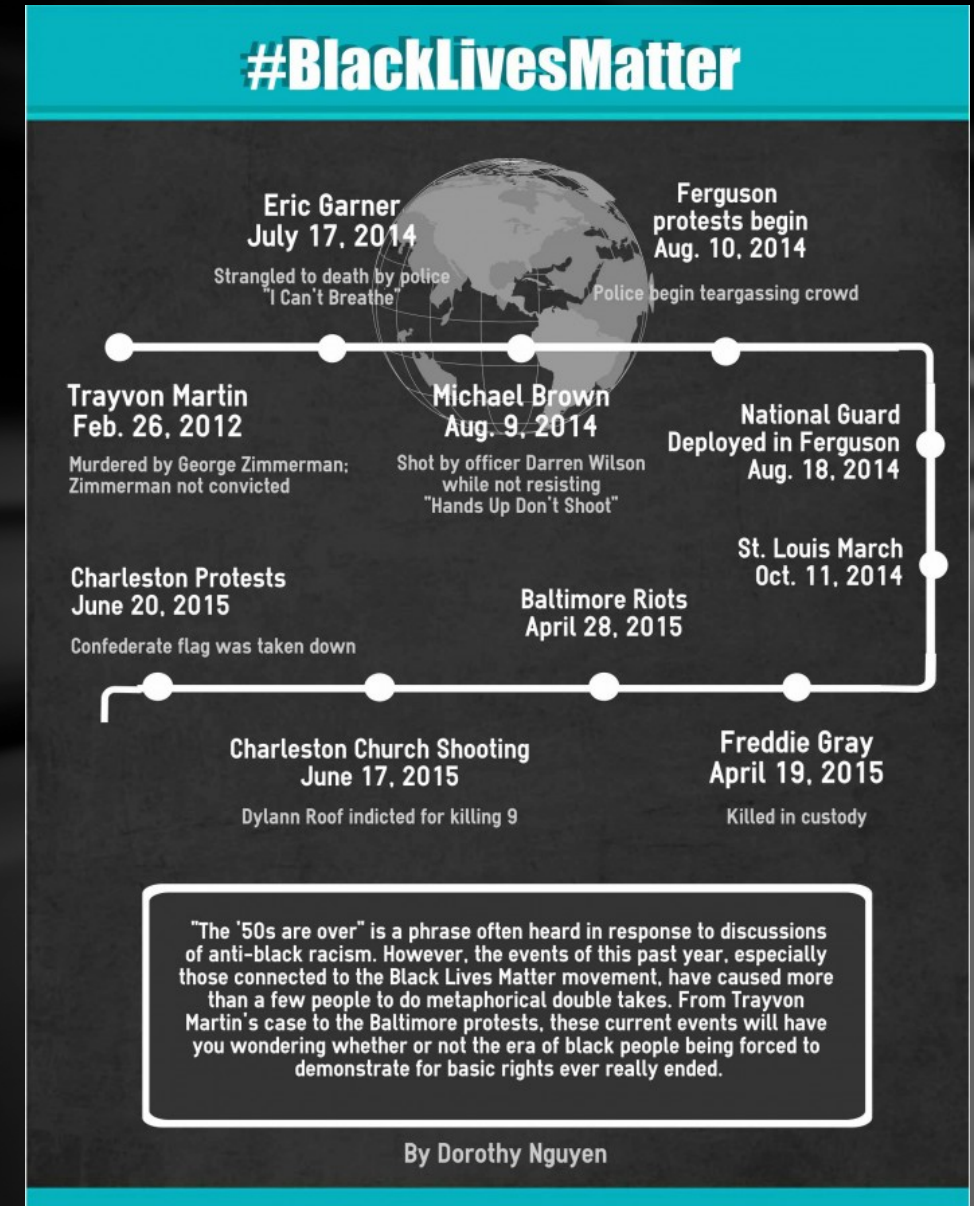
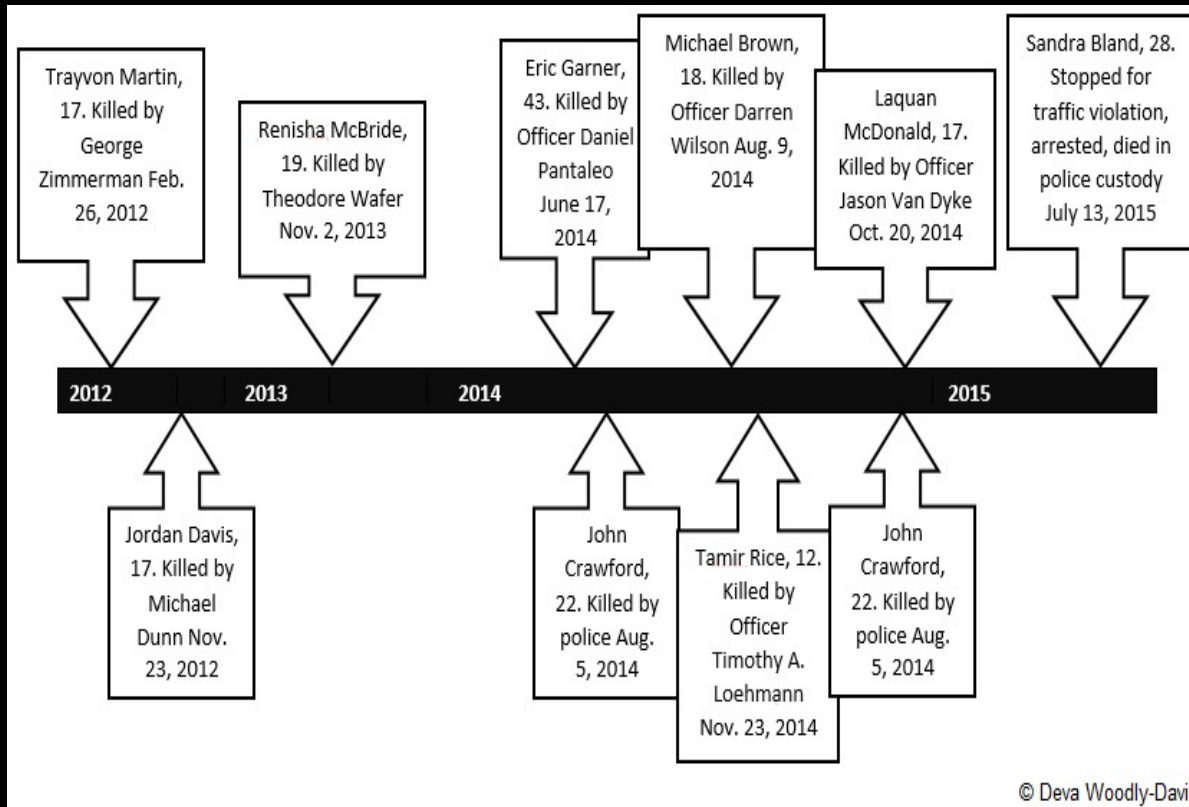


# Era of Mass Incarceration: The New Jim Crow



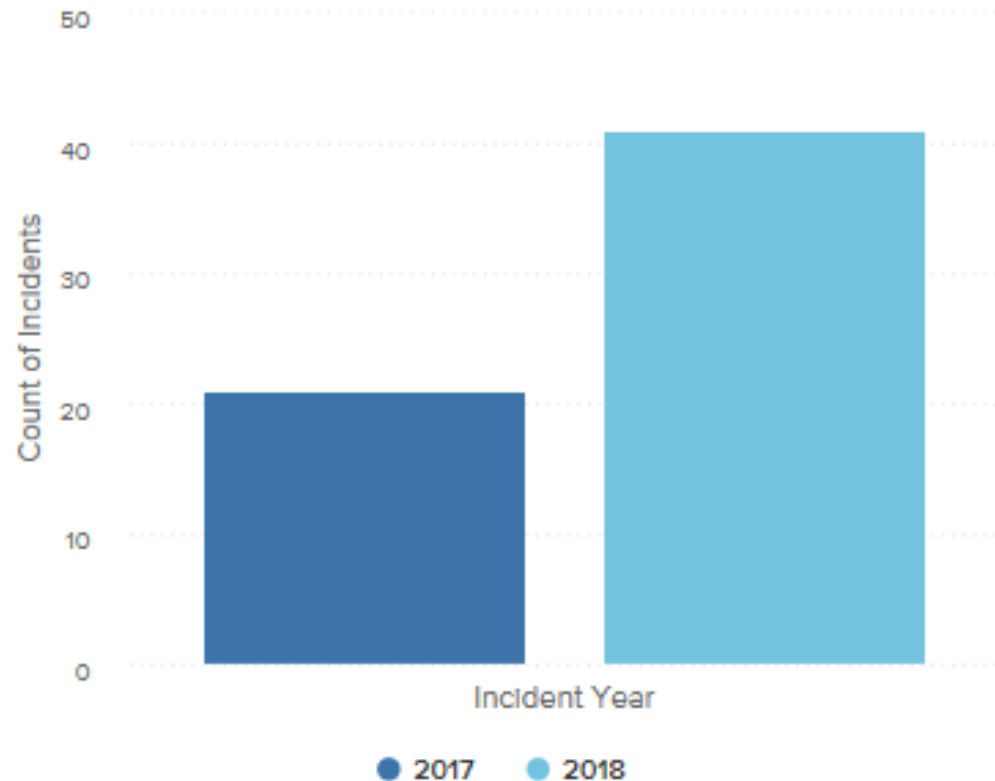


# Black Lives Matter!

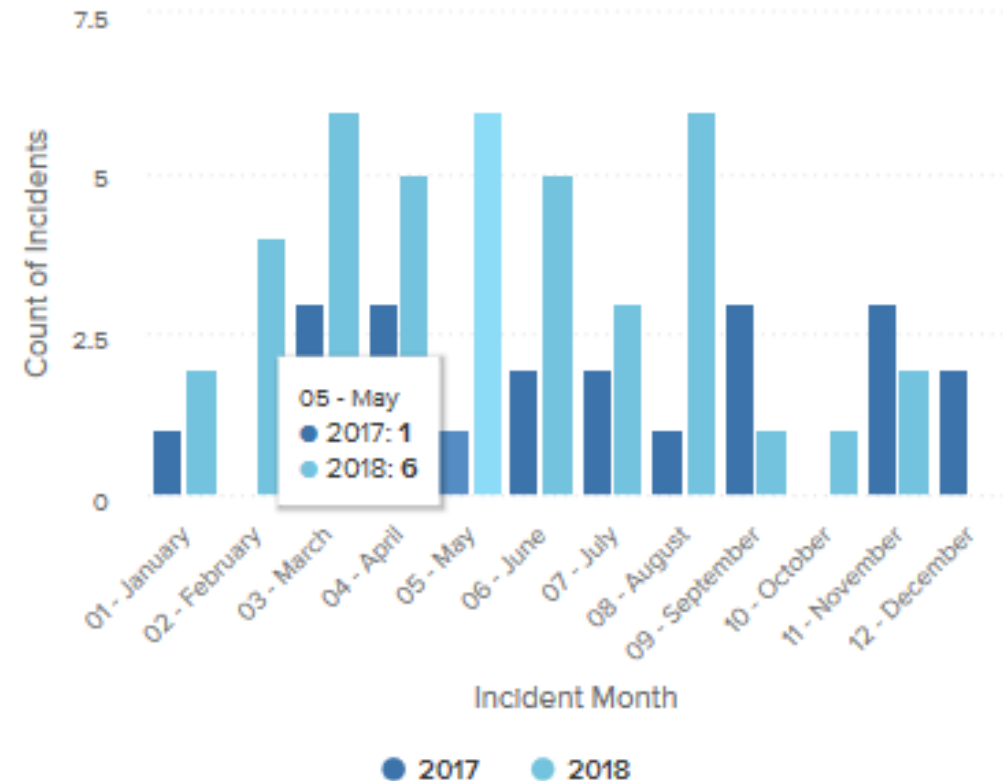


# Phoenix Police Shootings

Number of OIS Incidents by Incident Year



Number of OIS Incidents by Incident Month a...



# Policing is a Dirty Job, But Nobody's Gotta Do It: 6 Ideas for a Cop-Free World

- 1.) Unarmed mediation and intervention teams
- 2.) The decriminalization of almost every crime
- 3.) Restorative Justice
- 4.) Direct democracy at the community level
- 5.) Community "patrols"\*
- 6.) Mental health care

<http://www.rollingstone.com/politics/news/policing-is-a-dirty-job-but-nobodys-gotta-do-it-6-ideas-for-a-cop-free-world-20141216>



# Copspeak: 7 Ways Journalists Use Police Jargon to Obscure the Truth

1. "Officer-involved shooting"
2. Passive and segmented language
3. "Suspect/subject"
4. "Officials/sources say..."
5. "Juvenile"
6. "Discharged weapon"
7. "Altercation"

<http://fair.org/home/copspeak-7-ways-journalists-use-police-jargon-to-obscure-the-truth/>





## Recommendations to PPD - ACLU 2015

1. Robust Data Collection Policies to Identify Instances of Racial Profiling
2. Body Cameras and Policies to Ensure Their Proper Use
3. Transparency in Use of Force Incidents
4. An Independent Body to Review Use of Force Incidents and Recommend Policy Changes
5. Disentangling Police from Immigration Enforcement

1. *Reject Mayor's Plan on Body Camera's – 3 Years is Unacceptable.*
2. *Immediate Call for Every Advisory Board dealing with Police be Immediately Diversified to Include Black Representation.*
3. *All Officers Involved Be Immediately Placed on UnPaid Leave Until if and When they are Cleared.*
4. *Demand that officers involved in questionable shootings be mirandized, arrested, fingerprinted, booked, and mugshot, until a judge decides their release.*
5. *We demand on sight crime scene drug testing, and DNA and hair collection testing with any officer involved in controversial shootings.*
6. *We Demand that the Phoenix Police Dept enter into a formal contractual and perpetual recruitment agreement with HBCU's for police officers, administration, and other policing related professions.*
7. *We demand that the Phoenix PD turn over all investigations of controversial police shootings or encounters to a different law enforcement agency immediately. There should be no more police investigating police.*
8. *Phoenix Police Dept shall implement walking patrol and the officers assigned to such duties shall be empowered with resources to become valuable members of our community, to engage youth, to visit elderly and establish relationships with the working adults.*
9. *City of Phoenix shall authorize the city attorney's office to prosecute indict and charge ppd who have committed crimes against the people., and pursue prosecution to highest authorized level. They shall do so based on independent investigations.*
10. *City of Phoenix shall establish an independent victim compensation fund to provide financial assistance to families of police brutality victims. Compensation fund to pay for funeral expenses of police brutality victims when officers are indicted or convicted. Compensation fund shall also py for the funerals of those who have died as result of officers who have violated policies or procedures.*
11. *City of Phoenix shall post on front page of their website a link to a list of all police officers on the Brady list. List shall include photograph, name, position in dept, and description of their Brady list violation. This list shall include new hires and consultants.*
12. *City of phoenix shall immediately begin the diversity and sensitivity training they abandoned upon firing their consultant for plagiarism. The training curriculum must also be posted online for public review, and assessment taken on the entire police force. 1 yr upon completion will assess the impact of the training and determine if more intensive training is needed.*