Cops as Soldiers

The difference between the quasi-military and the civil policeman is that the civil policeman should have no enemies. People may be criminals, they may be violent, but they are not enemies to be destroyed. Once that kind of language gets into the police vocabulary, it begins to change attitudes.

—John Alderson, *The Listener*, 1985

Identifying the enemy makes us very uncomfortable because the enemy happens to be a great many of us.


Military jargon shows up in virtually any discussion of the police. Police departments are “paramilitary,” complete with “chains of command,” “divisions,” “platoons,” “squads,” and “details.” In many places, patrol officers are “privates” or “troopers.” In virtually all places, officers report not to supervisors, middle managers, or executives, but to sergeants, lieutenants, captains, majors, and colonels. In police training academies, much attention is devoted to close order drill and military courtesy.

The military metaphor also colors the public’s expectations of the police. Our police have been engaged in a nonstop “war on crime” for the last sixty years. Most recently the battle has focused on ridding the country of the scourge of drugs and the profiteering “drug kingpins.” Just a few days before Rodney King’s beating, then Attorney General Richard Thornburgh opened a national “crime summit,” at which Chief Gates spoke of the enemy among us. In his keynote address, Thornburgh asked law enforcement officials to attack street crime and “vio-
lent drug traffickers” with the same vigor and valor shown by our troops in the Persian Gulf:

[Let me turn once again to the example of Desert Storm and the great might that was brought to bear upon a threatening and violent enemy. Under brilliantly coordinated “command and control,” the Gulf coalition forces made the best use of firepower guided by great ingenuity and relentless certainty. We had the weapons to do the job: “smart” weapons that worked with deadly effect against an enemy finally reduced to desperate encounter, ineffectual response, and abject retreat.

Here at home in the fight against violent crime we should employ, to be sure, the same command and control, the same ingenuity and certainty. Only here we battle not with the weapons of the military, but with the far stronger weapon of our laws. We need to make certain that our laws are just as smart—just as efficient and effective against criminals—as those weapons that turned back the ruthless and violent intrusion by Saddam Hussein’s forces.1

However stirring this call, it relies upon an inexact analogy and is far more likely to produce unnecessary violence and antagonism than to result in effective policing. The lines between friend and foe were clear in the Arabian desert, but police officers on American streets too often rely on ambiguous cues and stereotypes in trying to identify the enemies in their war. When officers act upon such signals and roust people who turn out to be guilty of no more than being in what officers view as the wrong place at the wrong time—young black men on inner-city streets late at night, for example—the police may create enemies where none previously existed.

In addition, this faulty analogy has had the effect of putting the police on the front lines of crime wars they cannot win. There, like soldiers who know they are fighting for a lost cause, some police officers become frustrated and demoralized. In effect, they surrender. Working in environments far harsher than the executive offices in which ill-conceived wars usually are planned, such officers turn cynical, taking few risks and doing as little as possible. None of these officers wants to become a casualty of a no-win war plotted in an isolated ivory tower, so they waste their working lives simply marking the days until they are eligible for pensions. Other officers, perhaps more naïve and certainly more zealous, heed their leaders’ calls to battle. They also hear frequent claims that they are losing the war only because others—typically, liberals and the courts—have handcuffed them. They hear fundamental Constitutional principles and due process rights—the rights to appeal, habeas corpus; and the Fourth Amendment’s protections against unreasonable search and seizure—described as technicalities and unreasonable limits on their ability to fight the enemy among us. Then, angered and seeing themselves as the beleaguered Blue Knights and New Centurions of the former Los Angeles cop Joseph Wambaugh’s novels, they commit atrocities against people like Rodney King.

American policing is not a monolith, however; and police leaders do not present a united front in this war on crime. The recent trend toward community-oriented policing is promising evidence of a police sentiment that the confrontational style encouraged by some has not worked. Darrel Stephens, the former Police Chief of Newport News, Virginia, and now director of the Police Executive Research Forum, a Washington-based research and policy organization, said recently: “To cast the modern American police force in a military way, as in the war on drugs, is wrong... It’s not a proper characterization.”2 Another prominent, and longer-term, dissenter is Patrick V. Murphy, who served as chief police executive in Syracuse, Washington D.C., Detroit, and New York, and as president of the Police Foundation. In 1977 he concluded his autobiography with this protest against wars on crime directed by police chiefs and other high-ranking officials:

What the police chief—behind his big oak desk in his private office, insulated from the outside world by hordes of officious aides and layers of bureaucracy—must do, by all means, is to focus the entire institutional effort around one job: that of the police officer closest to the communities. Everything else should be secondary. It’s a bosses’ job only if we permit the bosses to make it one, if we permit both the institutions of the police and the officers themselves to become alienated, literally and figuratively, from their primary role in society, which is to keep the peace and maintain order in a sophisticated, humane, and Constitutional way. Policing should not be a bosses’ job but rather a cop’s job, because it is my view that perhaps the American police officer in this last quarter of the twentieth century has the most important job around.3

Murphy’s observation captures much of the thesis of this chapter: The view of police officers as soldiers engaged in a war on crime not only diverts attention from more effective strategies for crime control but also is a major cause of police violence and the violation of citizens’ rights. Those who hold and urge this view wrongly presume—or worse, pretend—that grand strategies devised by police chiefs, no-nonsense prosecutors, drug czars, law-and-order politicians, and other would-be generals can banish crime, disorder, and the scourge of drugs. They have urged a war model of policing that aggrandizes these top cops, hardened prosecutors, and other assorted tough guys in suits, most of whom have never made a drug buy, never made an arrest, never faced physical danger, and never come face to face with a criminal on a dark street. Less obviously, it reduces the role of
the cop on the street to that of unquestioning grunt in the trenches. This wrongheaded emphasis has led us to evaluate the performance of the police and the criminal justice system by counting bodies—bodies arrested, convicted, confined, and executed—rather than by trying to determine whether our war efforts have made our streets safer and more civil. The current war on drugs has made cynics of much of the population, adding them to the great numbers of street-level police officers. On the streets, too many cops long ago stopped believing that their lives were on the line for anything that could be regarded as a viable grand strategy. Instead, most cops see drug and crime wars for what they are: politics, in all the pejorative senses of that word.

Most directly to the point of this book, however, the war model of policing encourages police violence of the type that victimized Rodney King. When any soldiers go to war, they must have enemies. When cops go to war against crime, their enemies are found in inner cities and among our minority populations. There, in a country as foreign to most officers as Vietnam was to GIs, cops have trouble distinguishing the good guys from the bad. In this environment, the more cynical officers give up and do nothing or, worse, occasionally become corrupt and share in the profits of the illegal underground markets that flourish around them. There, some of the more passionate officers, who are not so easily discouraged from fighting the battles to which they have been assigned, and who typically are incorruptible, become frustrated and angry. Soon, everybody becomes suspect in their eyes. The community and the police become alienated and distrustful of each other, and incidents like the King beating occur more frequently than we would like to think. A bright, highly motivated, and well-educated young officer assigned to a crime-ridden inner-city district recently told us:

The people in headquarters think we’re doing fine because we’re giving them lots of arrests and nobody’s complaining about us. Bullshit. Drugs are all over the place, kids shoot each other as soon as the patrol car drives around the corner, and nobody complains because they know the department doesn’t want to hear it and won’t do anything about it. If people complained about us every time we kicked somebody’s ass, I’d be in big trouble. I can’t think of a single day when I didn’t put my hands on somebody.

ORIGINS OF THE VIEW OF COPS AS SOLDIERS

How did the view of police as soldiers in a war against crime develop? Its origins lie in the establishment of the police themselves. The police as we know them—with uniforms and nightsticks, out patrolling the street—are, we noted earlier, a relatively new invention. After a brief test in Dublin, the first modern police were created in Great Britain in 1829 at the urging of Sir Robert Peel, who sought to replace London’s antiquated night-watchman service and to develop a humane force to suppress London’s increasingly frequent food riots. With appropriate adjustments for American decentralization and home rule—in the United States, the federal government has less power over local policing than is true of virtually any other country—Peel’s concept of a New Police soon spread across the Atlantic.

Peel well knew the traditional British mistrust of official authority and took great pains to make certain that his brainchild would not be perceived merely as some form of domestic army, put in place to protect the Crown at the cost of individual liberties. Even though Britons bridled at the thought of the nation’s soldiers being used against its own citizens, the military was a widely admired British institution. The British military did its job very well and with tremendous efficiency. True, it had lost the American Colonies, but it had also expanded the small island nation so much that “the sun never set on its empire.” Despite his great efforts to distinguish individual police constables from soldiers, therefore, Peel borrowed heavily from the military organizational model in order to convince critics that his New Police would do its job as flawlessly and as incorruptibly as the military did its. He also appointed two experienced and admired military commanders to head his police.

Thus, modeling the police on this organization helped to ease Peel’s difficult task of convincing the skeptical British public that a new form of official authority was needed to deal with disorder and crime. Besides, Peel and those who worked with him to assemble the London Metropolitan Police had few options. Like the police, large organizations themselves are a fairly recent innovation. Until the Industrial Revolution, few large organizations existed, other than the military, and most other organizations that evolved—large businesses, government bureaucracies—generally were designed in the same hierarchical fashion as the military. In some ways, then, the organization of police along military lines was a historical accident. Had other efficient models been available, our police might well be differently organized.

THE MILITARY MODEL AND FRONT-LINE DISCRETION

Indeed, since Peel’s time, new models have emerged and, critics such as scholar and former police chief John E. Angell have noted, may be more appropriate than the military model to the realities of American policing. The pyramidal shape of the military model originally was designed to accommodate a distribution of official discretion that gave those at the top
The greatest and broadest decision-making authority in an organization is at the top—there the decisions are made, and the authority is exercised. The same is true in the military. The top brass, the generals, decide what the military does, and the soldiers do what the generals tell them to do. This is true whether the military is at war or at peace. In a war, the generals decide what the soldiers should do, and the soldiers comply. In a peace-time situation, the generals decide what the soldiers should do, and the soldiers follow.
tempting to resolve irresolvable swearing contests between citizens and police officers. Conversely, whenever police chiefs make decisions, their discretion is recorded and subject to comment by myriad critics, both before and after the fact. As an old saw has it, police chiefs' decisions are put on paper in the form of orders and policy statements and are there for everybody to see; but cops' decisions quickly disappear into the ozone, where there is nobody to criticize the cops' version of what occurred. It is hard to think of any hierarchical organization in which the lowest-level employees routinely exercise such great discretion with such little opportunity for objective review.

This is no meaningless anomaly. Trying to shoehorn street-level officers' great discretion into the lowest level of a military organizational style has resulted in the creation of elaborate police rulebooks that pretend to be definitive but provide little meaningful guidance for police officers. Hard and fast rules are viable in mechanical work situations, but they are of little assistance in dealing with the fluid discretionary situations that are the core of police work. No rigid directive can tell officers to arrest every time they witness a violation of law; to do so would severely damage the ends of justice and drain the resources of the police and the rest of the criminal justice system. No directive can tell police never to arrest; no directive can precisely define the circumstances distinguishing cases in which arrest is appropriate from those in which it is not. Yet, especially in police agencies that aspire most directly to the ideal of military spit-and-polish philosophy, top administrators persist in perpetuating the myth that officers adhere to the ideal of full enforcement. In such "legalistic" departments, James Q. Wilson suggests, this façade serves

... to disassociate the department from the law-making process, which is essentially a political process, thereby making it clear that so long as the department "does its job" the responsibility is on others to decide what it shall do and thus no one can accuse the department of being "political" by making its own decision as to what laws to enforce. It is harder to keep the department out of politics if it appears to be making political judgments, and it may appear in just that light if it does less than enforce all the laws all the time.

In fact, officers in even the most legalistic departments do not enforce all the laws all the time. Instead, they routinely violate the letter of their departments' rule books by issuing warnings rather than tickets and by releasing minor offenders, sometimes in exchange for information about more serious criminals. Nor do they closely follow the detailed rules that their administrators promulgate and use as a way of fixing blame at the

lowest levels for things gone wrong. Indeed, if officers were to follow the rules of the most bureaucratized departments, their work would grind to a halt, as it occasionally does when police protest labor conditions by conducting rulebook slowdowns: Only when rules are irrelevant can adhering to them hinder progress toward organizational goals. Irrelevant or overly rigid police regulations also create the less readily visible tension of making it impossible for officers to do their jobs without routinely violating rules. Peter Manning spoke with a British police constable who explained his department's rule book:

140 years of fuckups. Every time something goes wrong, they make a rule about it. All the directions in the force flow from someone's mistake. You can't go eight hours on the job without breaking the disciplinary code. . . .

But, no one cares until something goes wrong. The job goes wild on trivialities.  

Consequently, offices are inclined to devalue rules and find shortcuts around all of them, regardless of the justifications for their existence. Early in James Fyfe's NYPD career, officers' common rationalization for violating rules of any degree of merit was that "the job is not on the level." This perception, in turn, creates among line police officers a sense that they are on their own and that the brass is unrealistic and more interested in protecting itself than in seeing that police goals are accomplished.

This sense of isolation is exacerbated by the difficulty of communicating up and down the rigid chains of command that characterize the military-style hierarchy. In the NYPD, the biggest of all U.S. police departments, for example, police officers who wish to communicate with the department's chief executive generally must do so on paper and "through channels." While en route to the Police Commissioner through these channels, officers' original letters are amended by the addition of positive or negative "endorsements," or recommendations, by a sergeant, an administrative lieutenant, the captain or deputy inspector in command of the officer's precinct, the inspector in command of the "area" in which the precinct is located, the assistant chief in command of the borough in which the area is located, the Chief of Patrol, the Chief of Department, and the commander of any specialized unit that might be affected by any action suggested in the correspondence.

Since virtually every police officer's attempt to communicate with the Police Commissioner involves at least implicit criticism of existing practice or an appeal from a decision made at lower levels in the chain of command, such communications generally are subject to more distortion than one might expect even if they threatened to gore nobody's ox. Communi-
sations down the chain run a similar gauntlet of interpretations and often reach the front lines altered in both intent and substance.12

The sense of isolation that develops from this organizational arrangement—cops against bosses, as well as against a hostile clientele—helps to account for a rare degree of camaraderie and group loyalty among police officers. *Esprit* among police is desirable and necessary, but when coupled with the necessity of routine violations of the rules in order to get the job done, it delegitimatizes everything the brass does. It also effectively neutralizes officers who might otherwise speak out about serious misbehavior by their colleagues. As David Simon suggests, there is no privacy in police working groups—everybody who is an active member of every police squad knows everything about everybody else in the group.13 When rulebreaking is part of the routine in such groups, everybody also has something on everybody else. Group members cannot easily inform on or otherwise assist in the downfall of colleagues who commit misconduct without risking public airing of their own many small sins. Even when wrongdoing is serious, this code of silence applies.

This trap also affects officers who move up and out of line squads into supervisory and management positions. As products of such systems, they are vulnerable to subtle blackmail by former colleagues who know of their old sins. Often, they cannot be strong leaders because their own histories are so well known that they can invoke disciplinary action only at the risk of exposure or, more likely, of being rejected as hypocrites by the very society of which they were so recently a part. We spoke with a police official who believed that much-needed reform in his department would be possible only if his mayor appointed an “outsider” as chief. This official told us of his disappointment when a widely known veteran was given the reins to the department:

He’s a nice guy, but he’ll never straighten out the department. He’s been around it too long. The people he needs to push out of the way know about every free cup of coffee he took when he was a cop, every time he stole a half-hour from work, every time somebody went to bat for him when he was caught off base. If he does anything to hurt anybody in the department, he’ll wind up being humiliated. Sure, he knows all the actors in the department, but his big problem is that they know him too.

Supervision in rule-laden military-style police departments is hurt in other ways as well. A prominent complaint of most police chief executives is what they see as the failure of first-line supervisors to exercise effective control over their personnel. At a national law enforcement conference within a week or two of the King incident, the videotaped beating was the main topic of conversation. Most of the chiefs and administrators in attentionanalyzed it as an illustration of first-line supervisory failure. Had the sergeant on the scene done what he was supposed to do, they argued, the beating would not have occurred.

This interpretation is no doubt correct, but is far from a complete explanation of the King beating in particular or of the absence of strong first-line supervision in policing generally. Virtually every act of collective police misconduct not authorized at the highest organizational levels14 can be dismissed as a result of supervisory failure. The demonstrators at the Chicago Convention and Tompkins Square Park would not have been beaten had sergeants done their jobs, but knowing that this is so does not provide us with any information about why first-line supervision frequently seems to fail in critical times.

In good measure, the answer is that police organizational structure and the pretense that hard and fast rules govern police conduct make it very difficult for sergeants to supervise according to the book on a day-to-day basis. Consequently, it should not be surprising that the weak link of first-line supervision is most dramatically exposed in crises. Consider the job of police sergeants assigned to supervise patrol officers in the tough neighborhoods where police violence is most likely. Because of civil service procedures and safeguards, such sergeants have little authority to reward or punish their officers formally. Hiring and firing are not within the sergeants’ province. Lesser disciplinary measures also are meaningless or difficult to employ. Even though disciplinary transfers are regarded disparagingly in the literature of police administration, for example, sergeants usually can recommend such actions. Officers assigned to patrol tough areas, however, already are doing their departments’ most dangerous, sensitive, onerous, ill-paid, and least prestigious work. Hence they typically regard the possibility of transfers with favor rather than dread. A former colleague once told Fyfe:

There’s one nice thing about working in the South Bronx. The bosses can’t do anything to me. What can they do? They couldn’t possibly send me anywhere worse, and they’re not about to send me anywhere better because that would be doing me a favor. They can take me out of the radio car and put me on a foot post, but that’s no punishment because riding a car here is no bargain. They can’t give me worse hours, because I’m already working the worst they’ve got. They can’t harass me because I can just stop working. All in all, I like it here because I’m my own boss. I can do what I think is right, and I don’t have to worry about their chickenshit.

Small wonder that, when the researcher Larry Tifft studied the Chicago police, he found that variations in the supervisory and motivational styles of sergeants made a big difference in the work of detectives, but that
THE POLICE NUMBERS GAME

The police, like most bureaucracies, tend to measure their performance in purely quantitative terms and to ignore the more fundamental question of how well they are doing the tasks with which they have been charged. Instead of learning whether or not officers solved the problems to which they were summoned, for example, readers of police annual reports learn how many calls were received by 911 and, on average, how many minutes and seconds it took officers to respond to them. Instead of telling us whether police activities have increased safety and decreased congestion on our roads, police reports present elaborate tables telling us how many tickets the police issued. To use Herman Goldstein’s term, the police are locked in a means/ends syndrome, in which they tell us how often they employ the tools they have been provided to achieve their goals rather than whether the goals themselves have been achieved.19 It is as though doctors measured their performance by counting operations without bothering to determine whether patients were cured; as though lawyers counted their cases without regard to whether they won or lost for their clients.

Like the military body counts of the Vietnam era, the police numbers game—how many rather than how well—can be severely misleading. Perhaps its most extreme example appears in a New York State Commission of Investigation report on New York City’s narcotics enforcement efforts. In 1970, the commission reported, undercover NYPD narcotics officers made 7,266 purchases of suspected heroin. Operating under a policy of attempting to strengthen prosecution cases by making two buys of suspected heroin before arresting dealers, the narcotics unit made 4,007 drug sale arrests as a result of these activities.

These are impressive numbers, but the amount of controlled substances taken out of the drug traffic by all these buys and arrests was incredibly small. The commission’s report indicates that the total weight of controlled substances seized in these activities was 4.97 pounds.20 Since street-level heroin in New York City at that time ranged between 4 and 12 percent “pure” (the other 88 to 96 percent consisting of milk sugar, quinine, or other additives), the net effects of this very dangerous undercover work21 were the removal from the drug market of something less than a half-pound of pure heroin and the arrests of many minor dealers. Such arrests, the commission noted, were not likely to affect the availability of drugs, because the low-level dealers involved—typically addicts who sold drugs to sustain their own habits—were remote from the “higher echelons of heroin being trafficked in New York city.”22

Certainly, overreliance on quantitative measures of police performance

...
might exist even if police organizations were not structured along military lines. We doubt, however, that it would be nearly as marked as it has been in the United States during our lifetimes. Peter K. Manning writes that Robert Peel’s original mandate required the police

... to prevent crime without resort to repressive legal sanctioning... to manage public order nonviolently, with the application of violence viewed as an ultimate means of coercing compliance; to minimize and indeed reduce, if at all possible, the schism between police and public; and to demonstrate efficiency by the absence of crime and disorder, not police action in dealing with them.  

In twentieth-century America, Manning suggests, this set of responsibilities has proved an impossible mandate. Because the police know that they cannot achieve these states, he argues, they have embraced a highly bureaucratized and impersonal version of professionalism and have engaged in a variety of strategies designed to make it look as though they are doing well when they are not. These strategies rely heavily upon quantitative measures of performance, which appear to be far more characteristic of highly centralized, rigidly structured bureaucracies than of more decentralized large organizations or of small organizations.

The reasons for the bureaucratic preference for numbers are clear. When organizational policy-makers and those with the power to reward and punish workers are remote from the line, it is very difficult for them to measure the quality of performance and to present it to their consumers in ways that make sense. Consequently, they develop standardized, objective performance measures that are presumed to be equally applicable to everybody in the organization, but may not tell us what we really want to know. As our auto makers have recently discovered, knowing how many cars come off the assembly line how quickly tells us little about how well they are put together or whether they meet consumers’ needs. But when authority resides close to the line—as when supervisors can reward or punish—or when those on the line themselves have some input into identifying and rewarding good and bad performance, questions about the quality of work may be addressed on a face-to-face basis. In such circumstances, purely quantitative measures of performance have less meaning.

In big, centralized police departments, however, those near the line have little authority. Consequently, as Jonathan Rubinstein wrote, “activity” becomes the standard measure of performance:

“Activity” is the internal product of police work. It is the statistical measure which the sergeant uses to judge the productivity of his men, the lieutenant to assure himself that the sergeant is properly directing his men, the captain to assure his superiors that he is capably administering his district, and the department administrators to assure the public that their taxes are not squandered.  

Nobody who spends day after day in the tight and closed societies that are police work groups needs to measure “activity” to know who the good cops are. In our experience, the best way to identify the good cops is to ask their colleagues who they are. When this is done, the assessments obtained often have little or nothing to do with numbers and, in that and other ways, are similar to what one hears when asking doctors, professors, and lawyers to comment on their colleagues. Good cops, according to street officers, are level-headed and never get their colleagues into “trouble.”

Good cops always seem able to identify the causes of problems and to come up with the least troublesome ways of solving them. Good cops think ahead and always leave a way out of any tough situation. Good cops rarely have to resort to the law to solve minor order maintenance problems like drunks or noisy kids on the street. Good cops spend their time finding out about the people and places on their beats instead of lurking at speed traps or near badly marked stop signs. Good cops know the people on their beats well enough to put an end to problems like double parking merely by telling store owners to warn customers against illegal parking. Local criminals know the good cops and stay away from their beats when they are working. Detectives know that good cops are tapped into the neighborhoods they patrol and frequently turn to them for information about serious crimes.

As a consequence, the officers known to their colleagues as good cops may be virtually invisible beyond their immediate work groups. The numbers on their activity reports rarely are boosted by what street officers in many places call “piss collars” for contempt of cop charges such as disorderly conduct, obstructing justice, or resisting arrest. They are not among those who issue large numbers of parking tickets or traffic citations. They rarely become heroes by making the kinds of spectacular arrests that lesser officers occasionally stumble into. Their information and sources may solve many serious crimes, but the arrests in these cases are recorded over detectives’ names, rather than over their own. A veteran officer told us that good cops do their jobs so well that it may appear to the distant connoisseur of statistics that they are not even needed:

You know what they figure in headquarters? “Hey, nothing ever happens on this guy’s beat. There’s no crime, no traffic problem, no noisy kids. We put him out there and he shows us nothing. Never makes any arrests, no tickets. Nothing. Zip. What are we paying him for? Let’s take him out of there and put him where he’s needed. Let him help the guy on the next post. There’s
lots of crime there and no matter how many arrests and tickets we give out, the people still complain that they don’t get enough protection. Isn’t it funny how two streets so close to each other can be so different?” Hah! If the bosses ever came out to look, they’d see that the streets are the same, but that the difference is the cops. The bosses can tell you what kind of numbers look good in a report, but they wouldn’t know a good cop on a bet.

The message is clear: prevent things from happening and go unrecognized; take strong and formal action after the fact—give a ticket, make an arrest—and be viewed as a valuable contributor to the unit’s statistical reports of “activity.”

THE DEVELOPMENT OF WARS ON CRIME

Thus, in retrospect, it might be wished for a variety of reasons that Sir Robert Peel had had alternatives to military organization when he sired the first police departments in Dublin and London. Still, the American variant of Peel’s vision has experienced more violence and controversy than have police in England. Apparently—and although the English police recently have experienced plenty of violence themselves—some combination of American social and historical forces has blended with the military model to produce a volatile mix.

Some of these forces are obvious and external to the police. Over the years, American police have had no reasonable way to avoid much of the violence in which they have become involved. Instead, they have had to use force more than the British police simply because they have worked in a society more violent than Britain’s. Our police first patrolled the streets armed but—after great debate both inside and outside their ranks—began wearing guns in the middle of the nineteenth century only when it became unavoidably clear that it was not safe to do otherwise. Just recently, as British heterogeneity and rates of crime and violence have increased, the country has begun to debate seriously the paramilitary nature of police organization and the question of whether police should be armed. Thus, the weaknesses of the military model may have been apparent here longer than in England because they have been exposed by the great social pressures to which our police have been subjected.

In addition, high-level official venality also has encouraged a considerable amount of American police violence. On occasion, politicians have used their police forces as armies to crush those protesting labor conditions and racial inequities, as well as those holding unpopular or opposing political views. But these events are infrequent enough to make them aberrational. Something else is at work when, without conscious and specific encouragement from the highest levels, police use violence or excessive force in the course of day-to-day business.

J. EDGAR HOOVER’S FBI

The view of the American police as soldiers locked in combat gained substantial impetus from J. Edgar Hoover’s successes in rounding up the celebrated criminals of the 1930s. The overwhelming fact of American life at that time was, of course, the Great Depression, which made police and law enforcement work attractive to large numbers of well-educated young men who, in better times, would have spurned it. At the same time, American policing was beginning to recover from the country’s great adventure with Prohibition, during which, it is fair to say, virtually every large American police department had become riddled with corruption and politicization. The Chicago Police Department, probably the worst of the lot, was so far off the chart that a blue-ribbon citizen’s commission suggested seriously in 1931 that the only way to clean it up was to fire all 4,000 officers and to “concentrate upon a fresh start, unimpaired by even a trace of the old tradition.”

The entire nation was ready to flush away the old tradition, and Hoover, taking advantage of the high-quality labor pool, furnished a model. As a twenty-nine-year-old Justice Department lawyer, he had been named to head—and to reform—the corrupt and hack-ridden two-hundred-person “Bureau of Investigation” in 1924. He set about turning the Bureau into a model bureaucracy. He altered its identity by renaming it the Division of Investigation. He staffed it with fine and well-educated young men, trained them carefully, and isolated them from the community and its corrupting influences. For as long as Hoover lived, the Division and its successor, the FBI, took no part in corruption-prone activities like narcotics or alcohol enforcement, and he long refused to acknowledge even the existence of organized crime.

Hoover summarily fired many agents who had been hired before his tenure and encouraged others to leave by frequent transfers. He developed a merit personnel system independent of and better compensated than the federal civil service system. He instituted rigid inspections of field offices. He built a national constituency of local law enforcement officials by establishing and making available to them the nation’s largest repository of fingerprint, criminal, and fraudulent check records, modus operandi files, and a sophisticated crime laboratory. He also took over the International Association of Chiefs of Police Uniform Crime Reporting (UCR) program and turned it into the nation’s principal provider of official crime statistics.
Hoover's assumption of responsibility for the UCR was no small event. More than any other single action, it introduced and legitimized numbers as measures of police effectiveness. This was particularly significant because, at nearly the precise time that Hoover began systematically publishing crime figures, the United States entered a three-decade-long period of extreme domestic tranquility that lasted through the early 1960s. Consequently, for an entire generation, police were able to claim that low crime rates reflected the success of their efforts to emulate the FBI's high degree of professionalism. Although we now recognize that police activities probably had little or no impact on the actual incidence of crimes included in the UCR, this was not clear at the time. Thus, most chiefs no doubt believed their own claims about the credit due them for low rates of crime.

During the earliest years of Hoover's administration, the Bureau was limited by statute to investigation rather than enforcement. Its agents were unarmed, and their direct anticrime activities were generally confined to two federal offenses: interstate transportation of prostitutes and interstate transportation of stolen motor vehicles. By the early 1930s, however, Hoover's Bureau was a smooth-running machine, and he was anxious to expand its role. President Franklin D. Roosevelt, a longtime advocate of stronger federal law enforcement and centralized power, gave Hoover all the support he needed to accomplish this. By 1934, with Roosevelt's support, Congress had made escape across state lines, interstate transportation of stolen property, extortion by telephone, and bank robbery federal crimes and had allowed the FBI to intervene in cases in which kidnapping victims were not recovered within a week. Congress also gave FBI agents the powers to arrest and to carry guns.

Thus equipped, Hoover's Bureau went to war against "Public Enemy Number One" and the other bad guys included in his new "Ten Most Wanted" program. The Bureau quickly won this war: One by one, they captured or killed "Machine Gun" Kelly, "Pretty Boy" Floyd, "Baby Face" Nelson, Ma Barker, Bonnie Parker and Clyde Barrow, and—most dramatically—the bank robber, murderer, and master prison breaker John Dillinger. Hoover then turned his agents' attention to threats from abroad. Throughout the late 1930s and the World War II years, they achieved great successes in counterespionage and antisabotage.

Thus, within less than a decade, Hoover made law enforcement respectable. He showed that a war on crime could be won and the streets could be made safe for democracy by an elite corps of steely-eyed professionals who mastered technology and scientific crime detection methods, who reported only to a charismatic and virtually autonomous chief executive, and who could demonstrate with numbers how well they were doing. This, especially after the recent disgrace of the Prohibition years, was an extension of Peel's military model that was very appealing to police throughout the country. Many adopted it and, so long as crime rates remained low, remained satisfied that their new style of professional policing was the answer to crime and disorder.

THE FBI AND COPS: ANOTHER BAD ANALOGY

Over time, however, the analogy between local police and the FBI has proved no more apt than that between the military and the police. Hoover was successful because the enemy in his war was not so much crime as a few sensational public enemies—the John Dillingers and Baby Face Nelsons—who were relatively easy to catch. This, we began to discover during the mid-1960s, is not the crime problem facing our local police.

Today the police work in inner cities, where poverty, unemployment, teenage pregnancy, and drug use have achieved nearly institutional status and where young men are steered by their peers to commit crimes before they have reached puberty. In such circumstances, cops' wars on crime are unwinnable. Police detectives—or FBI agents—can track down a few individual criminals. They do so with some success, considerable prestige, and the resulting sense of a job well done. But in the grand picture, all police administrators know that their investigators' best efforts and most spectacular arrests will never solve the problem of inner-city violence.

Instead, these administrators ask their patrol officers to keep a lid on the crime factories that have replaced industrial work in our inner cities. Over the past decade, news reports and movies have made a broad public increasingly familiar with urban gang colors, hand signals, and rap refrains. To most Americans, and to the police, these have emerged as symbols of a fearsome and depressed urban America and of American economic and moral decline. As America has moved from an industrial economy that promised jobs to a broad range of workers to a postindustrial world that increasingly offers rich rewards to skilled professionals but low-paying service jobs to the least educated, we see an increase in economic inequality as well as poverty, accompanied by a rise in crime and violence. Studies of the causes of crime invariably stress blocked opportunity as an important factor in gang and associated activities, such as drug selling.

Of these studies, John Hagedorn's analysis of gangs in Milwaukee, Wisconsin, is the most emphatic and systematic in linking gang development and behavior to the decline of the traditional American industrial base. However bad the economy might have been for the African-American community in Milwaukee during the 1960s and 1970s, the 1980s were dev-
astating. Thirty-five thousand jobs were lost to the Milwaukee area between 1980 and 1985. The unemployment rate for black workers in 1985 was 27.9 percent, the second highest in the nation. Tragically, the Milwaukee story is scarcely isolated. Between 1973 and 1986, real earnings of black males in the work force continued to decline. Nearly one-fifth of black men in America have spent time in jail or prison, and minorities populate our correctional institutions far in excess of their percentages in the population. Male bonding groups and delinquency exist in all communities, but street gangs are a correlate of impoverishment, checked economic opportunity, and a tearing of the social fabric. The data from an early 1980s National Bureau of Economic Research survey of young black men aged 16–24 identify the problems—which have worsened during the Reagan and Bush administrations—of black youth in the most poverty-stricken areas of U.S. inner cities:

[Black youths living in the poorest areas of inner cities were] much more likely to be unemployed and less likely to be employed than white youths or all black youths. They tend to have slightly lower wages than other youths and they work fewer weeks per year. In addition, those youths have far worse family backgrounds than others. One-third of them live in public housing; almost one-half of them have a family member on welfare. Only 28 percent of them have an adult man in their household.23

These are the kids who populate gangs and contribute to the ranks of street drug dealing. Day after day, patrol officers—trained and socialized to think of themselves as soldiers—see around them the evidence that their enforcement efforts are in vain. One of us (Skolnick) was riding with an NYPD cop in Washington Heights, the main marketplace of New York City’s drug scene. Youthful drug sellers were standing in threes and fours on virtually every corner.

Our police companion, an experienced narcotics officer, was asked, “How effective are the police in controlling the drug trade?”

“We are,” he answered, “like a gnat biting on a horse’s ass.”

New York’s Commissioner Lee P. Brown made a similar observation in a more dignified tone in a newspaper interview: “I look at the message coming out of Washington that we’re winning the war on drugs and I don’t know what city they’re talking about,” he said. “It’s certainly not New York City.”24

Frustration grows, and it should surprise no one that some patrol officers, those who operate directly in the streets, rather than detectives working out of offices and assigned the unambiguous task of investigating specific crimes, apparently account for most of police brutality against citizens.