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CAN THE STATE HELP CITY POLICE DEPARTMENTS?

O. W. WILSON

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The purpose of this paper is to explore the feasibility of improving the service of city police departments by some form of assistance from the state.

The exploration will undertake:

1. To consider in what respects the service provided by some city police departments is unsatisfactory,
2. To discover the primary weaknesses in police departments that cause these deficiencies,
3. To discover factors outside police departments that contribute to them,
4. To ascertain the causes of police weaknesses and of the outside factors that contribute to these weaknesses,
5. To list the objectives that must be attained to assure satisfactory police service, and
6. To consider ways in which the state can assist the police in attaining these objectives.

In what respects is the service provided by some city police departments unsatisfactory?

Before this question can be answered, the characteristics of a satisfactory police service must be considered. These characteristics may be best described in terms of what a satisfactory police service does.

1. It effectively protects persons and property from injury and damage. Evidence of success is found in a low crime and accident rate.
2. It redresses wrongs promptly. Evidence of success is found in high rates of clearance of crimes by the arrest of the perpetrators, recovery of stolen property, and conviction of criminals.
3. It eradicates illegal moral hazards. Evidence of success is found in the absence of all forms of commercialized vice.
4. It maintains integrity in police and other public offices. Evidence of success is found in the absence of organized crime and of corruption in all its forms.
5. It treats all persons fairly. Evidence of this is found in a minimum interference with liberty of speech and action consistent with the accomplishment of the lawful police purpose.
6. It assists persons who need help. Evidence is found in the willingness and ability of the police to assist persons whenever needed.

The services provided by some city police departments may be considered unsatisfactory in one or more of the following respects.

1. Persons and property are not effectively protected; the crime and accident rates are too high.

2. Wrongs are not promptly redressed by effective action against wrongdoers; low rates exist in the clearance of crimes by arrest, the conviction of criminals, and the recovery of stolen property.

3. Commercialized vice is tolerated.

4. Suitable action is not taken against corruption and other forms of dishonesty in police and other public offices, and the operation of racketeers and gangsters, both as individuals and as members of criminal organizations, is tolerated.

5. The civil rights of individuals are disregarded. The consequences may run the gamut from indifference and discourtesy to sadistic brutality on the part of the police.

6. The police fail to serve as the ever-ready counsellor and friend of all persons who need assistance.

These are the characteristics of an unsatisfactory service. These deficiencies stem from conditions both inside and outside police departments. These conditions will now be considered.

What are the primary weaknesses in police departments that contribute to unsatisfactory service?

The primary weaknesses may be discovered by analyzing the conditions within police departments that contribute to each of the characteristics of unsatisfactory service.

1. Failures in the protection of life and property are traceable to the following inadequacies: (a) In man power and equipment, (b) in planning the wise use of department resources and the development of superior procedures, (c) in training and supervision, and (d) in intelligence and leadership qualities.

2. Failures to redress wrongs are accounted for by inadequate man power, training, supervision, and intelligence, by inferior methods, and by leadership deficiencies.

3. The toleration of commercialized vice is traceable to inferior methods, inadequate training and supervision, lack of integrity, disciplinary weaknesses, leadership deficiencies, and subservience to corrupting outside influences.

4. The failure to maintain integrity in police and other public offices is traceable to the same primary weaknesses as those listed under the toleration of commercialized vice; to these might be added deficiencies in intelligence.

5. The failure to treat all persons fairly is traceable to basic deficiencies in leadership and in the intelligence, emotional stability, and integrity of personnel, and to weak discipline and inadequate training and supervision.

6. The failure to assist persons who need help is traceable to the same primary weaknesses as those listed above except that integrity and disciplinary failures play a less important part.

The primary weaknesses in police departments that contribute to unsatisfactory service may, therefore, be listed as follows:

1. Insufficient man power
2. Inadequate equipment
3. Unwise use of man power
4. Inferior procedures

5. Ineffective supervision
6. Inadequate training
7. Personnel basically deficient in:
 - (a) Intelligence
 - (b) Emotional stability
 - (c) Integrity
8. Disciplinary weaknesses
9. Leadership deficiencies
10. Subservience to unwholesome outside influences.

What factors outside police departments contribute to the primary police weaknesses?

The outside contributory factors may be discovered by analyzing restrictions and influences that interfere with the correction of the primary weaknesses by the police themselves.

1. Poorly trained and inadequately equipped police departments, that are deficient in leadership and undermanned with inferior personnel, fail to make the most effective use of their resources, and they do not develop superior procedures. These conditions are produced by budgets that do not provide sufficient man power, suitable equipment, adequate salaries, satisfactory training, and essential research and planning.

2. Police failures to appoint candidates best qualified in intelligence, emotional stability, and integrity, to promote those who excel in leadership qualities, and to take suitable disciplinary action, frequently result from outside control over the management of police personnel.

3. Police subservience to unwholesome outside influences, failures in police personnel management, weaknesses in police leadership, and insecurity of tenure for the chief, are often traceable to outside corrupting influences.

The principal factors outside police departments that contribute to police weaknesses may, therefore, be listed as:

1. The failure of legislative bodies to provide adequate financial support.
2. Denial to the police of essential control of their personnel on the part of independent personnel agencies.
3. Unwholesome outside influences.

What are the causes of police weaknesses and their outside contributing factors?

The causes of police weaknesses and their outside contributing factors are found both inside and outside police departments. The primary causes within police departments are deficiencies in leadership in both top and supervisory positions. Those outside police departments consist of failures of the public and of higher officials to understand and meet police needs.

Police leadership deficiencies result in three failures which are considered causes of both police weaknesses and their outside contributing factors.

1. Failure to establish proof of police needs and to use department resources most effectively due to police ignorance of, or indifference to, the need for research and

planning. These failures result in inadequate budgets, insufficient man power, inadequate equipment, low salaries with consequent inferior personnel and deficient leadership, inadequate training, and unwise use of man power.

2. Failure to exercise suitable control in the selection, promotion, and discipline of members due to police ignorance of the best standards and techniques in personnel administration and of the consequences of their failure to use them, and to lack of initiative and courage to insist that personnel requirements be met. These failures promote unsound personnel administration and result in the selection of personnel that is basically deficient in intelligence, emotional stability, and integrity, and in the promotion of candidates who do not excel in leadership qualities. They also cause disciplinary weaknesses.

3. Failure to resist unwholesome outside influences due to lack of courage and basic integrity and to ignorance of the consequences. These failures result in subservience to corrupt pressures with the attendant train of dishonesty, corruption, commercialized vice, and organized crime.

The failure of the public and of higher officials to understand and meet police needs results in:

1. Lack of adequate financial support.
2. Lack of sound personnel administration.
3. Lack of freedom from corrupting influences.

What fundamental objectives must be attained to assure satisfactory police service?

In view of the above listed causes of police weaknesses and outside contributing factors, and their results, it is apparent that the following action should be taken to improve the quality of police service.

1. Enhance the likelihood of qualified leadership.
2. Stimulate effective departmental control of police personnel.
3. Provide adequate financial support.
4. Stimulate resistance to, and provide protection against, unwholesome outside influences.
5. Stimulate the most effective use of departmental resources.

The essentials in satisfactory police service, therefore, are:

1. Qualified leadership.
2. Sound personnel administration.
3. Adequate financial support.
4. Nullification of unwholesome outside influences.
5. Effective use of department resources.

When these fundamental objectives are attained, satisfactory police service will be assured.

Can the state assist the police in the attainment of these objectives?

In considering the question of state assistance to city police departments, two facts should be borne in mind:

1. The law-enforcement powers of cities have been delegated to them by the state.

2. A sound administrative rule demands that "Every delegation of authority must be accompanied by a commensurate placing of responsibility," i.e., persons or agencies to whom authority is delegated should invariably be held to account for the use they make of it.

All states have consistently violated this sound administrative principle. In exploring the feasibility of state assistance, consideration will be directed, *first*, to recommendations relating to such assistance that have been made by competent organizations, and *second*, to the experience of the British in the use of similar assistance.

A definition of state assistance and a description of machinery that might be used and of the details of its operation will not be undertaken.

RECOMMENDATIONS BY COMPETENT ORGANIZATIONS

Recommendations by the Kefauver Committee, the American Bar Association, and the California Commission on Organized Crime will be quoted from their published reports.

Third Interim Report of the Special Senate Committee to Investigate Organized Crime in Interstate Commerce, May, 1951

In a section on "Suggestions for Action by State and Local Governments," this report states:

"It might be advantageous for each State to institute a survey of its law enforcement agencies with a view toward bringing about greater cooperation between agencies, greater centralization of responsibility for law enforcement of the criminal law, and greater efficiency."

The report goes on to say that any survey of state and local law-enforcement agencies must consider such problems as:

- 5. The provision of better methods of recruiting and training local and state police officials.
- 6. The provision of higher standards of pay for persons engaged in local law-enforcement work.
- 11. The tightening of legal provisions concerning the removal of lax and faithless law-enforcement officials who fail to carry out their sworn duties.
- 12. More law-enforcement officials should be brought under civil service regulations; in some places these regulations should be revised in order to facilitate the separation from the service of corrupt and/or inefficient enforcement officials."

Final Report of the American Bar Association Committee on Organized Crime, September, 1952

The House of Delegates of the American Bar Association adopted the recommendation of its Committee on Organized Crime that each state should create a Police Council. The Model Police Council Act drafted by the Committee states that the purpose of the Police Council is:

"to improve law enforcement and the operation and administration of police departments, through the inspection of police departments, the more effective selection and training of police personnel, the strengthening of police procedures in the prevention of crime and in apprehension and detection of offenders and through fostering cooperation between police departments in dealing with common crime problems."

The powers and duties of the Police Council are listed in the Model Act as follows:

1. To make annual surveys and inspections of the personnel, equipment, records, methods of operation and general administration of police departments.
2. To make reports based on its surveys and inspections, together with recommendations for the improvement of police departments and police procedures, to the chief executive officers of each police department studied, and the chief executive authority of the governmental unit which it serves.
3. To promulgate and publish, after discussion and conference with police officials throughout the State, the minimum standards that must be maintained in order to secure effective administration and operation of police departments.
4. To survey and inspect annually police training schools; to make reports and recommendations for the improvement of such schools; to promulgate and publish minimum standards and to prescribe courses of study for such schools; and to certify and accredit schools which meet minimum standards.
5. To encourage the attendance of recruits, trainees, and police officers at police training schools; to stimulate co-operative arrangements whereby accredited training schools maintained by police departments may accept for training and advanced training recruits, trainees and police officers from other police departments; to approve requests for State Aid to accredited Schools and individuals receiving police training as authorized by Section 6 of this Act.
6. To encourage the development of auxiliary police services for the prevention, investigation, and detection of crime and the apprehension of offenders, on such local, regional or State basis, as may be most efficient.
7. To make recommendations concerning means of effecting consolidation of police departments and police services and to encourage arrangements whereby a governmental unit may be served in whole or in part by a police department from another governmental unit or by the State. Approval is hereby given for contractual arrangements, approved by the Council, entered into by governmental units to further the purposes of this subsection.
8. To conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement. To accept or authorize local governmental subdivisions and police training schools to accept grants, donations or gifts for the purpose of conducting research in more efficient methods of police administration, or for the improvement or extension of police training.

The report makes the following comments on the Model Police Council Act:

"Up to the present time, the States have had no effective instrument to remedy the basic deficiencies in local police administration. Policing has been one area of governmental operation which has clung tenaciously to the concept of local home rule. The elimination of inefficiency in any particular police department has concerned only the executive authority and the people of the local governmental unit that the police department serves. The fact that the processes of law enforcement are interdependent and that police inefficiency in any city or town gives encouragement to lawless elements throughout the State and complicates problems of crime control in other cities and towns has been lost sight of. Moreover the insistence on local home rule in police operations has completely overlooked the fact that certain functions such as police training or police communications can only be efficiently organized on a State or regional basis.

"The Model Police Council Act (Appendix III), provides the State with an instrument for the improvement of police administration which has been heretofore lacking.

"The basic premise of the Act is that through persistent fact finding, investigation, analysis and recommendation, the major defects in police administration can be brought to light and remedied. The Police Council is not a temporary agency but a permanent body with the improvement of police administration as a long range permanent objective.

"It should be noted that the Council is not authoritarian in character. The Act safeguards the local autonomy of police departments. The Council cannot compel an acceptance of its findings. However, all instruments of persuasion are open to it. As the commentary notes, "facts are weapons which can be used with powerful effect against those who seek to defend the inefficiency, dishonesty or political manipulation of a police department."

Final Report of the California Special Crime Study Commission on Organized Crime, May, 1953

Among the recommendations made in this report appear the following:

“(a) That the Legislature authorize a study to be begun by competent experts in the field of police training and administration to formulate suitable standards of training, organization and administration for city and county law enforcement agencies and to recommend appropriate methods of inspecting and reporting to the public upon the efficiency of such agencies.

“(b) That a statute be enacted to require the Attorney General to make periodic, probably biennial, crime surveys in each county. These surveys would not be inspections of personnel, equipment performance record, and so forth, of the kind described in paragraph (a) above, but would embrace investigations into actual existence of criminality, particularly organized criminality, and the actual effectiveness of local agencies in meeting the problem. Their purpose would be to give local authorities a comprehensive report on the adequacy of their enforcement agencies with relation to local crime problems.”

BRITISH EXPERIENCE

In England the Home Office has certain designated responsibilities to assure the effective policing of the entire country. The Home Office discharges its obligations in a number of ways.

1. It prescribes (under certain restrictions) regulations which are intended to assure suitable standards of service.

2. It inspects (through H. M. Inspectors of Constabulary) all police forces once each year to ascertain whether standards are being met and regulations complied with.

3. It advises chief constables on any problems that may confront them.

4. It advises local police authorities (Watch Committees and Standing Joint Committees) in reference to their obligations and to the limitations of their authority over their forces.

5. It withholds grants-in-aid when a local authority fails to conform to regulations or to maintain suitable standards.

6. It hears disciplinary appeals from all ranks.

7. It provides training, crime-laboratory, radio, and statistical services to all police forces.

The Home Office may not adopt a regulation affecting conditions of service until the proposal has been considered by a consultative body composed of representatives of police authorities and all ranks of police.

The Home Office does not engage in police operations nor interfere with local police operations in any way. It does not make undercover investigations of any sort. Except for withholding the grant-in-aid (which is rarely done and then only temporarily), its influence on individual police forces is entirely by persuasion.

The following desirable conditions prevailing in the British police service have resulted, at least in part, from the assistance of the Home Office.

1. Qualified police leadership. The Home Office must approve the appointment of chief constables.

2. Security of tenure for chief constables and for subordinates. The Home Office may disapprove the removal of a chief constable, and subordinates have the right of appeal to it.

3. Sufficient police strength and adequate equipment. The Home Office protests deficiencies.

4. Desirable conditions of service. The Home Office prescribes qualifications for appointment, disciplinary procedures, hours of duty, annual leave, scales of pay for low ranks, and pensions (although pensions are subject to parliamentary approval). These regulations are the same throughout the country.

5. Freedom from corrupting influences. The Home Office protects the police from all forms of unwholesome influences either from the local police authority or from outside sources.

6. Effective use of police resources. The Home Office promotes improved police practices by the dissemination of information on recent worthwhile developments and by advice.

Favorable comments on the desirable results derived from Home Office assistance to local police forces in England must not be construed as supporting Federal assistance to city police departments in this country. On the contrary, such assistance should be forcefully rejected.

These comments are intended to suggest, however, that some of the relationships in England between the Home Office and local police forces and authorities, and some of the services provided by the Home Office to the police might be studied to learn whether one or more of them might be adapted to the United States so that the police of this country might profit by the experience of the British police over the past 100 years.

SUMMARY

The fundamental objectives that must be attained to assure satisfactory police service (i.e., qualified leadership, sound personnel administration, adequate financial support, nullification of unwholesome outside influences, and effective use of department resources) have been attained by the British police through the assistance of the Home Office.

The successful British experience suggests that American police departments also could attain these objectives through state assistance.

The need for state assistance to police departments has been recognized by the Kefauver Committee, the California Commission on Organized Crime, and the American Bar Association. Their recommendations are based on careful, unbiased, and objective study of the needs and problems of American communities. The motives behind these suggestions are praiseworthy and beyond reproach; the sincerity of these organizations is unquestioned; their memberships consist of men whose judgment is held in highest esteem.

In the light of these findings, an affirmative answer should be given to the question, "Can the state help city police departments?"