The Evolution of Policing

INTRODUCTION

This chapter reviews the history of policing, focusing on developments in England and Australia. Prior to the development of modern professional policing—most closely associated with the ‘New Police’ in London in 1829—policing functions were often carried out by militia, watchmen or constables, without specific training or systematic organisation and management. The New Police provided a model of specialist salaried public police—one that spread in various forms around the world. Police were meant to focus on crime prevention, follow legal due process, and work cooperatively with their local communities. Unfortunately, real practice was often a long way from the ideal, with corruption, excessive force, inaction and incompetence major features of modern policing. In colonies like Australia, policing frequently entailed conflict between the preventive community-based ideal of the New Police and a militarised form of law enforcement. In European countries, policing also took on a more detached militaristic form. In many countries in the 19th and 20th centuries, the idea of police as public servants was inverted, with police focused on protection of the state and ruling classes, enforcing subservience through surveillance, torture, murder and brutality.

In the 20th century, even in democratic countries, policing hardened around a traditional or standard model that was male-dominated, secretive, hierarchical, authoritarian, largely self-directing, offender-focused, often violent and corrupt, and generally instrumentalist rather than principled. From the 1960s, the traditional approach was heavily critiqued by a range of stakeholders, including victims’ groups, civil libertarians, feminists, environmentalists, criminologists and progressive police officers. The critique generated a paradigm shift in theory towards concepts of community policing and problem-oriented policing. Police became subject to new
human resource management requirements focused on openness and education. Police were also forced to adopt integrity management strategies, and were subjected to a complex regime of performance measurement. Nonetheless, police showed themselves to be experts in subverting reform. Community policing and problem solving ideals failed to take hold in a systematic fashion. ‘Underpolicing’ and unscientific policing remained dominant features, driving developments in alternative public and private policing agencies.

Before the New Police

The social evolution of human beings has included a wide variety of types of control mechanisms. ‘Policing’, in the broad sense, is often defined in terms of the management of behaviour through laws, surveillance, threats, physical interventions, arrest, compensation, and sanctions—including fines, confinement, and corporal and capital punishment (Reith, 1975). These are forms of ‘hard’ power, which overlap with or provide back up to forms of ‘soft’ power—such as role modelling, persuasion, negotiation and assistance (Hopkins Burke, 2004). The modern conception of ‘police’ is concerned with a specialist group—operating within a larger criminal justice process—employed by governments to arrest lawbreakers, prevent crime and maintain order. In this form, the concept is only very recent—about 200 years old. Nonetheless, partial forms of modern policing can be seen in a variety of historical contexts.

In tribal-based societies, and other societies with weak central government, the law enforcement and dispute resolution work of modern police was often left in the hands of individuals (Rawlings, 2002). Consequently, the strongest tended to be more effective in asserting their rights—for example, by payback assaults and killings, forced recovery of stolen goods or extraction of compensation. It was often a case of ‘might is right’. Individuals obtained assistance with protection, or addressing wrongs, through group loyalties, based on kin or forms of mutual assistance. In addition, any type of militia, organised primarily for military defence, could also be assigned to guard property, suppress riots or disturbances, arrest and guard criminal suspects, and carry out corporal and capital punishments.

Accounts of early policing vary considerably. Policing functions have been attributed to ‘medjay’ or ‘madjoi’ in ancient Egypt, and ‘urban cohorts’ and ‘vigiles’ in ancient Rome—as just two examples (Reith, 1975; Watson, 2006). These officers usually carried out patrol and guarding duties; and could arrest offenders, investigate crimes, and break up fights and riots. Roman vigiles also constituted
a fire brigade. Early or proto-police forces sometimes existed in tandem with law courts and served under the supervision of magistrates. Police functions such as investigations and arrest have also been associated with various court officials and bodyguards serving tribal or imperial rulers (Reith, 1975).

The word ‘police’ is derived from the Latin (Roman) word ‘politia’—referring to civil administration—which developed from the ancient Greek words ‘polis’, or ‘city’, and ‘politeia’, or ‘city-state’ (Watson, 2006, p. 130). One of the first centrally controlled police forces was created in Paris in 1667 by an edict from King Louis XIV. The force was commanded by a Lieutenant-General of Police, and the system was extended to the provinces in 1699. The Paris Police were responsible for regular policing duties as well as the supply of food to the poor, fire fighting and street cleaning, among other things. The force was reputedly successful in both controlling crime and suppressing dissent, in part through a network of informants, ‘arrests and searches without warrant … unlimited detentions [and] the censorship and opening of the mail of suspects’ (Horton, 1995, p. 9).

**POLICING IN BRITAIN**

A great deal of research and writing on police history is focused on England, in large part because of the influence of the New Police. In Britain, tribal systems of justice persisted beyond Roman rule, which ended around the year 410. The period of ‘Anglo-Saxon laws’, from 600 to 1066, involved the enlargement of concepts of mutual responsibility in law enforcement (Rawlings, 2002). Membership of a village or tribal grouping entailed the right to assistance and a duty to provide assistance when an offence occurred. This could be activated by ‘raising the hue and cry’. These duties were horizontal and vertical, including obligations on the king to provide justice for his subjects. The system also tended to involve a form of separation of victim from offender, with some protections for accused persons from summary and vigilante punishments. At the same time, the initiative in pursuing justice remained largely with the individual victim (Rawlings, 2002).

The conquest of much of Britain by the Normans, beginning in 1066, saw a shift towards greater state intervention. The Normans adopted an early form of totalitarian government, systematically controlling and exploiting the native population through a feudal system. A ‘Jury of Presentment’ was constituted from local men who were authorised and required to bring felons before royal justices—subject to the preferences of the victim (Rawlings, 2002). A payment by an offender to a victim could lead the victim to withdraw an ‘appeal’ to the court. By the 1100s, sheriffs were responsible for the overall management of the ‘Frankpledge’—the
obligation on community members to assist in law enforcement (Rawlings, 2002). The sheriff oversaw the activities of elected ‘chief pledges’, who, in turn, managed a ‘tithe’—men of a village or town organised for the purposes of law enforcement.

The 1200s saw the introduction of an additional group, ‘the watch’, who were given guarding duties during the summer months when vagrant offenders were considered to be more active. An example of this in action is provided below:

At Heyford on 30 May 1317, Robert fitz Bartholomew of Heyford received certain unknown thieves as guests in his house. The watchmen of the town saw that those thieves were staying up suspiciously late in the night and therefore went to enter the house; when they came to one door Robert and the rest of the thieves went out the other door. The hue and cry was raised at once and the men of the town came to pursue and arrest the aforesaid felons. Among the men of the town came a certain John of Bannebury, who has now died, who pursued the felons, calling upon them to surrender to the king’s peace. They would by no means surrender or permit themselves to be judged by the law, nor could those who were pursuing them take them alive. A general fight ensued between the felons and their pursuers, and John of Bannebury cut off the head of the aforesaid Robert. The chattels of the aforesaid Robert are confiscated for flight. (in Rawlings, 2002, p. 17)

Sheriffs had key responsibilities for law and order, including the custody of offenders, with a power to call out a ‘Posse’ of able-bodied men, similar to the tithes, to assist in capturing and securing suspects (Rawlings, 2002). However, concerns about sheriffs accruing too much power led to their partial replacement in the late-1100s by the office of coroner. Coroners were responsible for ensuring fine monies were collected, and confiscated property seized for the crown, as well as conducting inquests on deceased persons. ‘Keeper of the peace’ was also a short-term office providing assistance to the sheriff and assistance in military defence. ‘Serjeants of the peace’ were appointed where there was no frankpledge in place: ‘They undertook to arrest and keep in custody offenders, secure evidence and witnesses, make presentments about offences and offenders to courts, and secure the chattels of offenders’ (Rawlings, 2002, p. 18). Other officials involved in policing in this period included locally elected constables with diverse administrative responsibilities. These included supervision of the hue and cry—which was widely seen as a rabble at best. Bailiffs executed arrest warrants and empanelled juries. Failures of duty by these officials could result in a fine.

Many of these developments were locally based, but they were driven by the monarchy and they strengthened state power. Overall control of the policing
apparatus lay with the ‘General Eyre’—a type of circuit court. ‘They tried felons, but, most importantly, they reviewed the system of law enforcement and punished any neglect’ (Rawlings, 2002, p. 19). In the 1200s, centralised authority over criminal justice was expanded further when King Henry III obtained authority to prosecute suspects if a victim withdrew their appeal (in Rawlings, 2002, p. 14).

In these arrangements in medieval England, we can see the origins of many familiar elements of contemporary policing. The system went through modifications in subsequent centuries. The gradual decline of medievalism from the 1300s saw a shift away from amateurish communal obligations towards direct state responsibility through appointed officials. In the 1400s, the growth in royally appointed justices of the peace in the counties gave the monarchy greater authority over law and order issues. In the 1500s, Justices of the Peace increasingly held authority over the increasingly important office of Constable. It appears that the position of parish constable emerged out of the position of ‘Chief Pledge or Tithingman’, with parish constables supervised by constables of a geographical area or division of persons called the ‘hundred’ (Rawlings, 2002, p. 34). By the 1600s, the parish constable was ‘at the core of the law enforcement system’ (2002, p. 34). Earlier responsibilities held by these men included military duties concerned with mustering local men and ensuring arms were held and maintained. Their duties also included: ‘the collection and assessment of taxes, weights and measures, apprehending vagrants, regulating alehouses, dealing with drunkenness and swearing, and enforcing environmental regulations’ (Rawlings, 2002, p. 34). Constables continued to be elected by villagers and townsmen, while having to execute orders from the Justice of the Peace and regularly report to the Justice on the state of law and order. In turn, Justices of the Peace were accountable to assize, or higher court, judges, who were in turn accountable to the Crown through the Privy Council (or inner group of advisers) in London.

Parish constables were largely drawn from the upper classes, and generally elected by the same group (Rawlings, 2002). Appointments were normally for one year. The office was not salaried, although reimbursements and some fees could be obtained. Duties were often onerous. Pursuing offenders could be difficult and dangerous. Enforcing regulations could alienate friends and neighbours. Part of the burden included policing the large numbers of vagrants and poor, many of whom survived by begging and petty crime. At the same time, appointment was indicative of social standing and community support. Furthermore, constables were not expected to be particularly proactive. Their main duty was to respond to complaints and allegations. They could also continue to expect voluntary
assistance from members of the community, although there were also cases of payments to deputies or payments for surveillance or guarding tasks.

**BACKGROUND TO THE NEW POLICE**

By the 1700s, European colonialism caused an enormous growth in world trade and private wealth. By the end of the century, England was transitioning towards the world’s first industrialised capitalist economy while the nobility’s customary welfare obligations were gradually abandoned. These forces generated an increasing number of urban poor, a growing ‘criminal class’, and strikes and protest movements that tended to overwhelm customary systems of policing and criminal justice (Emsley, 1996). Extreme punishments for minor and intermediate offences—including floggings, transportation and execution—failed to stem the rising tide of crime. The French and American revolutions presented the ruling classes with a spectre of mass uprising.

The inadequacies of state-sponsored policing prompted some experiments in private justice. ‘Thief takers’ were attracted to the task of arresting felons for reward. Perhaps the most infamous was Jonathan Wild, who established a business in the first quarter of the 1700s in the recovery of stolen goods—including goods his cronies had stolen (Emsley, 1996). Reliance on private recoveries stimulated various other abuses, including false testimony (Rawlings, 2002). Associations for the Prosecutions of Felons were another manifestation of privatised or collective law enforcement created in the absence of government provision. Members combined their resources to finance the prosecution of persons who had offended against a member.

Another response to perceptions of failed policing was to attempt to reform the watch system through voluntary contributions or compulsory taxes to employ night watchmen. This was largely unsuccessful, and some local authorities introduced paid armed foot patrols outside the watch system. In 1749, a court justice, John Fielding, established ‘The Bow Street Runners’, attached to the Bow Street Magistrates’ Court in Westminster in the heart of London. The original force of six officers provided a foot patrol that supposedly targeted hotspots for crime, although serving summonses and making arrests at the direction of the magistrates seems to have been their main task (Emsley, 1996; Rawlings, 2002). The group lasted until 1839.

Many of the problems of crime and disorder were concentrated in London’s teeming streets and the expanding suburbs. Despite this situation, the introduction of a Police Bill into parliament in 1785, intended to consolidate management of
policing in the capital, failed over concerns about centralisation and the possible creation of a repressive French-style police force. The lack of an effective public police had prompted merchants on the busy river to fund private watchmen and foot patrols. In 1798, Patrick Colquhoun and John Harriott founded the Thames Police, which was a private company with several lines of work including paying dockworkers and preventing theft of merchandise. The crackdown triggered a riot over the loss of workers’ customary access to fallen stock left in ship holds. In response, in 1800, the government took over the private force:

This represented a major innovation since the Thames Police was the first force to be controlled by central government, whereas previous initiatives, such as the Bow Street patrols, had been funded by government but left in the hands of others (Rawlings, 2002, p. 76).

Also in 1800, a small permanent police force was established in Glasgow, followed by a force in Edinburgh in 1805 (Watson, 2006). In 1814, the Chief Secretary for Ireland, Robert Peel, introduced the Peace Preservation Police in Ireland, with central administration, uniforms and a disciplinary system (Emsley, 1996). This was followed by the Irish Constabulary in 1822 (Watson, 2006). Both tended towards a reactive quasi-military style of policing. It could be said, however, that the Dublin Metropolitan Police, formed in 1786, constituted the first professional police force in Ireland (Breathnach, 1974). Small police forces were also established in England at Rochdale in 1825 and Oldham in 1827 (Taylor, 1997).

Despite these developments, policing in most of Britain in the first decades of the 1800s remained a largely amateurish undertaking. The office of constable was mostly short term, unpaid or poorly paid, and therefore often unwanted or pursued with limited professionalism. All positions were prone to corruption (L. Johnston, 1992). For example, a traditional practice by which constables received a proportion of fine monies simply encouraged the manufacture of charges and extortionate threats of prosecution (Kappeler, Sluder & Alpert, 1998). The problem was not unique to police, however. It was enmeshed with the endemic corruption of the judiciary, parliament, civil service and military, which operated through patronage, favouritism and bribery (Critchley, 1967).

The New Police

The English Parliament instigated several inquiries on police reform without success. Retention of local parish control was a major consideration. Considerable
hope continued to be invested in professionalisation of the watch, despite negative perceptions of its record and personnel. In 1816, a common view of the London Watch was that it was ‘almost useless … decrepit, and inefficient’ (in Rawlings, 2002, p. 108). Patrick Colquhoun, co-founder of the Thames River Police, lobbied for a single metropolitan police force in a popular work, Treatise on the Police of the Metropolis, which unashamedly promoted class control by police.

The appointment in 1822 of Robert Peel as Home Secretary—a portfolio which included crime and justice—provided the opportunity for real change. Peel was concerned about perceptions of rising crime and government failure. The out-of-control ‘Queen Caroline Riots’ of 1820 and 1821 were recent manifestations. Peel’s interest in more effective policing included a commitment to moderation of the extreme punishments of the time (Emsley, 1996). However, his ambitions were stymied by an 1822 Select Committee on the Police, which rejected the idea of a single professional force for London, arguing it represented too much of a threat to freedom.

The Committee view represented a general view of police, noted above, as a threat to civil liberties. This was fuelled by the oppressive tendencies of police forces on the continent, particularly in monarchist and revolutionary France. It was felt that the idea of a civilian police could be easily adapted to purposes of political repression through routine surveillance and harassment of citizens (Critchley, 1967). There was also a concern that police would be used to put down popular demonstrations by military means. Examples included the 1819 Peterloo Massacre in Manchester, when cavalry charged demonstrators, killing around 11 and injuring many hundreds (Reith, 1975). The Peterloo protest was meant to be peaceful and attracted tens of thousands of people in support of an enlarged franchise and lower prices for food. Protestors were trampled by horses and hacked with sabres. A large number of women were among the dead and injured.

A second inquiry in 1828 recognised the failings of the present system and allowed Peel to successfully introduce the Metropolitan Police Act of 1829. (The small central area—‘The City of London’—was excluded because of its independent preference.) Peel had been able to argue that the risk of police becoming a repressive force would be minimised because officers would be detached from politics, vetted, trained, salaried, supervised and disciplined, and their role would be clearly spelt out. Physical force was meant to be used as a last resort, and prevention—rather than arrest and prosecution—was made the
focus of police work. This philosophy was neatly summed up by one of the first co-commissioners, Richard Mayne:

The primary object of an efficient police is the prevention of crime: the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained. (in Metropolitan Police Service, 2014; see also Reith, 1975, p. 156)

These principles were embodied in nine purposes or goals, issued as general instructions to the new officers, often referred to as ‘Peel’s principles’. These are arguably the most important aspirational statements about policing ever made. The purpose of police (in Reith, 1975, pp. 155–166, explanatory paragraphs omitted) is:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognise always that the extent to which the co-operation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws; by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical
force which is necessary on any particular occasion for achieving a police objective.

7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence.

8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.

9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

Implementing the new standards presented a challenge. An initial force of approximately 1,000 soon grew to over 3,000, eventually supplanting the Night Watch of about 4,500 men and the Bow Street force of about 450 (Watson, 2006). Recruitment emphasised ‘moral character’, as well as intelligence, good health and physical agility (Kappeler et al., 1998, p. 35). Police were not permitted to carry a firearm—establishing a strong English tradition. Instead, they were equipped with a truncheon, a reinforced hat and a rattle (later a whistle) (Critchley, 1967). Uniforms were deliberately designed to be unlike military uniforms. Officers patrolled the streets on foot in shifts within a designated beat area. The visible presence of the police was meant to deter crime, and if that failed they provided a rapid response to protect the victim and arrest the offender where appropriate. Citizens who saw a crime in progress, or were attacked or threatened themselves, could alert the patrol officers who were expected to respond with all speed.

In that regard, the approach of the Metropolitan Police was not particularly different to that taken by the more professional watches and the police forces already established outside the capital (Emsley, 1996; Reiner, 2000). The idea that the New Police in London and other locations post-1829 were subject to more demanding selection criteria has been put forward as a key point of difference. However, this would appear to have been more of an ideal that a fact in many cases, with many of the new appointees simply being members of the old watch or the ‘old constables’ (Reiner, 2000, p. 41). Nonetheless, the New Police of London have taken on an iconic status as the embodiment and exemplar of a new professional model. The fact that London was the centre of a vast empire probably has a great deal to do with the myth.