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## Introduction Trends and Questions in New Historical Accounts of Policing

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## **Introduction**

### ***Trends and Questions in New Historical Accounts of Policing***

**John C. Weaver**

Historical studies about aspects of urban life seldom recount the past with detachment from the concerns of the present. Some areas of inquiry about the past shield themselves from contemporary relevance, thereby risking a slide into antiquarianism. At the other extreme, historical scholarship that is too keenly aware of the present risks looking foolish after the fad or concern which inspired or guided it has come and gone. This dilemma of whether or not to associate current and past events cannot be a real one for the history of policing; it would be difficult to imagine historical accounts of criminal justice within urban areas that could be detached from the present. There also are misconceptions in criminology concerning the historical functions of policing. There is an even more compelling reason for allowing contemporary concerns to edge into the history of policing. Police administrators in many large Canadian urban centres have initiated educational programmes, hired university graduates, and generally recognized the value of education. Police forces and the new types of constables and officers require well-researched and critically balanced studies that are pertinent to these initiatives. And historians like those who have contributed to this issue of *UHR/RHU* are able to provide such a service; they have ideas that take policing history far beyond the undigested tidbits and lists filling spaces between the photographs in commemorative and souvenir histories of urban forces.<sup>1</sup>

Efforts to link the past and present of crime and policing in the city must be encouraged because current assumptions about the sources and presumed growth of crime, or about the traditions and functions of policing have been shown to be wide of the mark when tested by historical inquiry. Roger Lane, for example, challenged the simplistic notion that as "urbanization and industrialization" progressed so did violent crime and violent deaths.<sup>2</sup> Later, Eric Monkkonen would point out, in response to a social control interpretation of the growth of policing, that the city governments that adopted and

expanded police forces in the mid-nineteenth century were not so much driven by moral reform groups and citizens fearful of riot and dangerous neighbourhoods as by an urge to have a symbol of modern urban government.<sup>3</sup> In the first article in this volume, Michael McCulloch reviews these and other trends in historical analysis and notes the limitations of models when applied to specific cases. Besides his lucid description of an intrinsically interesting case, what he has to say about early policing in Quebec City prepares the way for a theme in several studies that follow: an expanding set of duties taxed relatively small forces.

Monkkonen, whose work had set a new agenda for police history in the United States, found that the city police in the United States had received little credit in scholarly histories for their management of hostels for transients and the underemployed, and for the care of lost or runaway children.<sup>4</sup> Greg Marquis has discovered the same activities in the Toronto force.<sup>5</sup> The deeper one looks into the history of a police force the more one is impressed by the number of unheralded functions. The implications of police action with respect to the homeless or to lost children are many. "Apparently, the police response had been sufficient to encourage the escalation of the demands, as well as demonstrate the feasibility and responsibility of the government's providing a more orderly urban existence for ordinary people."<sup>6</sup> Due to the important condition that both in the United States and in Canada policing long remained largely a civic function and free from central government control, penny-pinching city councils loaded them with interesting duties that stemmed from the original meaning of police.

Concurrently, the complicated mission of keeping peace in the city put constables into the vanguard of social service activity in the years before the Salvation Army or social workers took over welfare functions. The actions of police constables in domestic disputes is one such social service with a

continuous history as a policing function. It is one function of many that requires more study; Kathryn Harvey's article in this issue provides an excellent starting point by raising a question about the ability or will of the police to prosecute. She found that more than 10 per cent of cases of wife beating reported in the *Montreal Star* were dropped because the victim failed to substantiate the charge. The challenge will be to locate police records that permit systematic study of the history of the violence against women and of the police response to it. Already this timely and evocative article illustrates the consequences of an awful mix of poverty, frustration, domestic tyranny, and alcohol. Who was reluctant to prosecute men who beat women: the victims or the police? Were there differences across time and from place to place? How should society act — through new police measures, stronger laws, or both — in order to counter such a persistent and ugly crime? Pressure groups are calling on the police for more protection of women and the police are calling for tougher laws.

The rounded full accounts of the police that document helpful duties by these paid citizens cannot explain away those occasions when constables swung their clubs during strikes and political demonstrations or seized broadsides and suppressed meetings. Sometimes corporate tactics drew in the police against labour, but there certainly have been episodes in Canada when the initiatives against political movements on the left came from the officers in charge of a police force. However, the new accounts of policing have given back to the police parts of their history that their crime-fighting mythology and their critics had passed over. In the words of Greg Marquis, "the municipal police, particularly in towns with a strong labour presence, were not always the villains encountered in labour and working class historiography."<sup>7</sup> Nicholas Rogers has written similarly about the Toronto police in the nineteenth century. "There was little resistance within the working class as a whole to the notion of a policed society."<sup>8</sup>

Whether it is a question of idiotic trouble-making by borish bigots about headgear — it changed often in the nineteenth century and the current forms are scarcely “Canadian” or sanctified by tradition — or more substantial concerns about firearms and racism, discussions concerning the police can be clarified by documented discussions that include origins and evolution. There are grounds for finding in the historical composition and conduct of the police expressions of racism or religious bigotry. The Protestant character of the Toronto and Hamilton forces and the Masonic connections on the Toronto force were not accidental. As Nicholas Rogers has established, the Toronto police in the late Victorian era had the attributes of a caste apart.<sup>9</sup> Were all urban forces so conscious of the British model of autonomy and so deliberate in their recruitment from the United Kingdom? There may be quibbles about whether station house culture was fully detached from the wider working-class experience of Toronto, but there is evidence of the police forming or accepting views about a social order based on physical and cultural stereotypes.

The late nineteenth-century foundations of crime prevention and detection largely rested upon superficial concepts about physiognomy. With themselves — Anglo-celtic males selected for their brawn and inspected for neatness — as ideals, constables and detectives were instructed to watch for non-conformity and to learn from street experience. A history of the implications of a “street-wise” education in policing has been written for the United States; David R. Johnson’s unusual work is filled with useful insights and ought to be read by anyone interested in police culture.<sup>10</sup> Canadian newspaper reports on police courts provide abundant evidence of the dubious consequences of policing activities which divided urban society into “them” and “us.” Vice raids on ethnic groups — against Chinese men for gambling and Italians for drinking in boarding houses — in the early

1900s are worth noting, but perhaps no more so than the racial slurs of the reporters who gleefully recounted these episodes and presumably conveyed the popular opinions of the majority of Canadians. In the words of Rod Macleod, writing about the North-West Mounted Police to 1905, the techniques of the police with respect to problems involving minority groups “were tailored to a society which had definite and strongly held beliefs about the place of minorities in the social order.”<sup>11</sup> These beliefs have changed.

Police information concerning the marginalized groups that they swept up in vice raids early in this century were based largely on racist views widespread in the British Empire, reformers’ tracts, and the pseudo-science of criminology.<sup>12</sup> By narrow recruiting from one — albeit numerically dominant — cultural group, the police had denied themselves an understanding of many new ethnic groups. Never-the-less, they had a duty to all citizens and — in Hamilton and Toronto at least — were instructed to refrain from expressing offensive political or religious views. Whether they did or not is another question. Greg Marquis discovered that Toronto’s “non-political policemen were regarded as an important electoral force.”<sup>13</sup>

Aspects of their background must have contradicted some of the lore that informed them about who might be a “deviant”; their own recreational habits often seem to have taken constables into the very areas and practices they were to find offensive. Surely too, some saw more of the good and evil of all groups than simplistic social theories allowed. Or did they? How did the definition of beats and the decision to police suburbs by responding to complaints rather than by frequent patrols influence the perceptions of crime and disorder? How familiar were the police with white-collar crime? Why, where, and how far have conditions implied by these questions changed? A study of minority group hiring practices, of human rights concerns on the force, and of recognition of community relations issues would be

welcome additions to the study of urban policing in this century. This short outline of potential themes for study treats lightly the years after 1920; yet formal training, science and detection, the handling of labour disputes, and the treatment of minorities are subjects that belong to the very recent past but should not be neglected by historians.

If the issues raised by the historical accounts fail to resolve into tidy conclusions about the police as domestic missionaries, then the message of complexity cautions against our stereotyping the police. We should be cautious as citizens because the record of the police as a crime fighting agency is a complex one. One of the basic presumed roles of the police today — its crime prevention and crime fighting — have rarely been appraised except in the anecdotal recounting of famous cases. What little contemporary and historical data exist on this subject suggests that an extraordinary percentage of crimes are unsolved. Violent acts committed against persons leave witnesses and they assist greatly, but the lack of witnesses is one of several obstacles to the solution of thefts. Another obstacle is the sheer frequency of minor property crimes.<sup>14</sup>

Historically, police forces have listened to and recorded the small crimes against common folk, but they have concentrated their investigative efforts on large thefts and their protective resources on influential citizens or corporations. From its beginning, the Hamilton force checked the doors of shop owners. The police commission later resisted having constables under its direction assigned to a corporation, but by the late 1920s — perhaps earlier — uniformed officers were sent out to protect payrolls. Yet no association between the growth of corporate enterprise and the growth of police forces can be found. From the 1850s to the 1950s, the Hamilton force kept its numbers in line with the ratio of one member of the force for every thousand citizens. Besides, it was the automobile and not payrolls which effected a revolution in policing during the

1920s. To return to the question of the efficacy of the police as crime fighters, historical or contemporary evidence of their impotence is countered by posing the counterfactual instance: what if there were no police? The possibility of a deterrent value — impossible to prove or disprove — has been cited by one ambitious study on crime as a factor in the decline of reported theft in nineteenth-century England.<sup>15</sup>

It is profitable to think of policing as work that, though sometimes including actions on behalf of capitalist industrialism and enforcement of measures hostile to organized labour, was labour itself and modified by factors similar to those operating in foundry, printshop, or railroad. An account of how police work was organized would add to what is already understood about social structure and change from studies on assorted crafts. The work of policing, like all work between the 1880s and the 1920s, experienced efficiency campaigns and felt promptly the impact of technology. City councils and police commissions were cost conscious. It had taken many decades of writing about the police before they were to be treated as workers instead of the instruments of the workers' oppression. The notion that the police were also workers and not just the antagonists of workers was ignored until Greg Marquis's article about the "workingmen in uniform;" this article considered the origins of the Toronto force in the early twentieth century and located its social activities in the "matrix" of working-class culture. The implications that Marquis pursued are significant, for he then tackled the subject of the "exaggerated masculinity" of the station atmosphere.<sup>16</sup>

Not only were the police from the working class, but in the late Victorian era they were under instructions to watch street life, to check taverns, and to note the location of houses of ill fame and gambling establishments. Background and work instructions drew — and may continue to draw — many into activities that their official code of conduct prohibited. Some behaved with such

variations in conduct that the moral missionary role ascribed to the police by British historians writing about the 1840s may breakdown under examination of constables' conduct on the beat. Robert Storch, who proposed that the police in the industrial districts of Northern England acted as domestic missionaries, also concluded that they failed.<sup>17</sup> Working-class culture was not readily overcome. That may be, but in the case of Canadian city police the interactions of police culture and working-class culture seem more complicated. Different Canadian communities at different points in time could have had domestic-missionary police forces: Toronto under the administration of the activist mayor William Howland in the mid-1880s comes to mind.<sup>18</sup> However, in Hamilton where one chief in the 1890s visited the bordellos of Toronto "the good" while another in the early 1900s had frequented "Jennie Kennedy's house" in his youth, different outlooks may have governed the force. Peter McGahan's collection of documents on Atlantic Canadian forces has produced similar evidence of the police as compromised missionaries.<sup>19</sup>

The beat was the constable's shopfloor; his patrol sergeant, the foreman.<sup>20</sup> Until the early 1880s in Hamilton, the constables left for the beat from their places of residence and had exercised discretion, particular with respect to the enforcement of city bylaws. They lingered here and there, breaking up the monotony of the walk with gossip. From time to time they violated rules by downing a beer at a tavern, taking a snooze in a cozy spot in an alley, napping a privy, resting on a porch while on night duty, or playing a hand of cards in a back shed on Sunday duty. From time to time a sergeant caught them or someone complained, but supervision was light. Detectives revelled in even greater independence. Since they retained rewards, they kept information to themselves and struck deals on stolen property that satisfied the victim, the thief, but not the law. When a new regime of policing insisted that the constables report to the station for inspection before going on the beat and that they be

marched out to the beat under the command of patrol sergeants, the men threatened to strike and when that failed some left the force. When the detectives found that they had to report to the chief daily and operate under orders, they resisted and were sacked.

By 1885, the Hamilton force had passed through a major shakeup that put constables under close supervision. They complained that the new system sped them along their beats so quickly that they could not keep a proper watch on things. Meanwhile, technology assisted the management effort to make certain the men on the beat walked approximately 20 miles per shift. The city installed call boxes in the late 1880s and the point of these was make certain that the constables reached points on their beat. By having the men report on themselves, the call boxes saved on the number of supervisory personnel required.

The Hamilton police commission, after considering the methods of several police forces in the United States, introduced another economy measure into policing and became the first Canadian force with a patrol wagon. The idea was that instead of providing suburban beats, the patrol wagon would respond to calls for aid; other departments had used horse patrols, but the Hamilton department's information from the United States claimed that the wagon was faster and easier on the horse. It could also double as an ambulance. Telephone call boxes replaced the electric signal system, but the nature of policing continued to centre on the beat and the patrol until the spread of automobile ownership during the 1920s. First, the force secured motorcycles and then automobiles. Beats continued, but by the late 1930s, radio-directed cars expanded the experiment in economy of the horse-drawn patrol wagon until it was at least as important to the force as the beat. And, like the call boxes, the radio kept the constables under supervision from afar. The car changed policing in other ways too. Police work after 1920 became over-

whelmed with infractions against the provincial motor vehicle act and city bylaws.

When walking the beat was not dull — which it was most of the time unless the rules of conduct were evaded — it could be dangerous. Armed with a baton but not firearms until 1906, Hamilton constables exercised caution in many situations; they were under orders to use their batons only in self-defense and even then seem to have refrained when surrounded by a crowd that was at best neutral. The decisions to equip forces with firearms and complaints about the use of excessive force by the police are topics that might be considered in future studies of Canadian policing, especially given the ceaseless comparisons and contrasts between Canadian and American cities and assumptions about the cultural basis of differences.

A final thought about future directions for the history of policing takes us to the beginnings of policing, the elusive meaning of police, and an error in criminology that history can correct. The error is the assumption that “historically the role of the police has been to enforce the law especially the criminal law. But this role is changing and changing drastically.”<sup>21</sup> The author of this statement — unaware of the long-standing status of the police as “front-line social workers”<sup>22</sup> — felt that the frustrations of being a contemporary police officer must be unique to our age. Both the variety of social service functions and the dilemmas of being a constable were present from the beginning or strongly implied in the concept of police.

In the early nineteenth century, English and American usage of “police” agreed, although on both sides of the Atlantic the word had many meanings; at root, civil organization was implied.<sup>23</sup> As a noun the police was a government of a town or city. Noah Webster gave the example of “the police of London, of New York, of Boston”. It could also mean the corp of men governing the town or city. The modern notion of the police as a civil force

may have been used first in 1798, in reference to a private group organized to protect Thames shipping. By the 1830s, this meaning had become as common as that which meant civic government. Related words or attributes like policeman, police constable, and police department were all launched early in the nineteenth century.

The older civic government concept persisted, although this meaning of police seems strange and archaic today. During the nineteenth century, the civic police with their diverse responsibilities to their town or city had a rich and positive label that accorded well with what they were to do within the community: keep the streets clear, enforce the market rules, inspect civic licenses, preserve order, protect persons and property. This form of police, then, had local roots and legitimacy and was unlike the English police system that put the constabulary under the control of the Home Office. In Canada, central governments tried at least three times (immediately following the rebellion of 1837, again in 1856, and in 1873 with the founding of the North-West Mounted Police) to create “national” forces on the model of the Royal Irish Constabulary. The first time, after the rebellions, an experiment was tried and forces patrolled the countryside of Lower Canada and the Upper Canadian border with the United States. The second time, the bill introduced by Attorney General John A. Macdonald provoked opposition from liberals and the towns and cities that would have lost control over their local forces. The bill died and existing police forces remained under local authority; national and provincial forces were established later. Macdonald finally had his way with the NWMP and his thinking about policing on these occasions may well be worth a review. In any event, the national and provincial forces were not without civic roles. As Rod Macleod has documented, the NWMP also performed “useful” services to rural settlers: lending equipment, operating the first postal service in many areas, enforcing quarantine regulations, providing medical services, and issuing — sometimes

at the personal expense of the officers — relief supplies to the destitute.<sup>24</sup>

Police now has lost the older meaning, but as a branch of civic government the police force has not shed the functions of civic regulation and protection. It seems worthwhile reminding civic police departments of their good old name when encouraging them to adopt good new outlooks to deal more effectively with their historic duties.

## Notes

- <sup>1</sup> A good example of the unsatisfactory results of criminologists writing about the history of policing form the facts supplied by commemorative histories is to be found in C.K. Talbot, C.H.S. Jayewardene, and T.J. Juliani, *Canada's Constables: The Historical Development of Policing in Canada* (Ottawa: Crimecare, 1985).
- <sup>2</sup> Roger Lane, “Crime and Criminal Statistics in Nineteenth-Century Massachusetts”, *Journal of Social History*, 2 (1969), 156-163; *Violent Death in the City* (Cambridge, Mass: Harvard University Press, 1979). Lane put history to the service of policy in “urab Homicide in the Nineteenth Century: Some Lessons for the Twentieth”, *History and Crime: Implications for Criminal Justice Policy* ed. by James Inciardi and Charles Faupel (Beverly Hills: Sage Publications, 1980) 91-109.
- <sup>3</sup> Eric Monkkonen, *Police in Urban America, 1860-1920* (Cambridge: Cambridge University Press, 1981) 30-64.
- <sup>4</sup> *Ibid.*, 86-128.
- <sup>5</sup> Greg Marquis, “The Police as a Social Service in Early Twentieth Century Toronto” (Unpublished Paper, April 1990).
- <sup>6</sup> *Ibid.*, 128.
- <sup>7</sup> See his article in this issue.
- <sup>8</sup> Nicholas Rogers, “Serving Toronto the Good: The Development of the City Police Force, 1834-84”, *Forging a Consensus: Historical Essays on Toronto* ed. by Victor Russell (Toronto: University of Toronto Press, 1984), 135.
- <sup>9</sup> *Ibid.*, 136.

- <sup>10</sup> David R. Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of American Policing, 1880-1887* (Philadelphia: Temple University Press, 1979).
- <sup>11</sup> R.C. Macleod, *The NWMP and Law Enforcement, 1873-1905* (Toronto: University of Toronto Press, 1976), p.160.
- <sup>12</sup> See for example Robert A. Huttenback, "No Strangers within the Gates: Attitudes and Policies towards the Non-White residents of the British Empire of Settlement", *The Journal of Imperial and Commonwealth History*, vol. 1 (May 1973), 271-302. There is a fine discussion of physiognomy and pseudo-science in criminology in the late nineteenth century in William James Forsythe, *The Reform of Prisoners, 1830-1900* (New York: St Martin's, 1987) 170-190.
- <sup>13</sup> Greg Marquis, "Workingmen in Uniform: The Early Twentieth-century Toronto Police", *Histoire sociale/Social History*, 20 (November, 1987), 271.
- <sup>14</sup> John C. Weaver, "A Social History of Theft in Depression and Wartime: The Police Occurrence Books for Hamilton", (unpublished Paper, December 1989).
- <sup>15</sup> V.A.C. Gatrell, "The Decline of Theft and Violence in Victorian and Edwardian England", *Crime and the Law: The Social history of Crime in Western Europe since 1500* (London: Europa Publications, 1980) 238-333.
- <sup>16</sup> Greg Marquis, "Workingmen in Uniform: The Early Twentieth-century Toronto Police", *Histoire sociale/Social History*, 20 (November, 1987), 270.
- <sup>17</sup> Robert Storch, "The Plague of the Blue Locusts: Police Reform and the Popular Resitance in Northern England, 1840-57," *International Review of Social History*, 20 (1975), 90.
- <sup>18</sup> Desmond Morton, *Mayor Howland: The Citizens' Candidate* (Toronto: Hakkert, 1973) 30-1.
- <sup>19</sup> Peter McGahan, *Crime and Policing in Maritime Canada* (Fredericton: Goose Lane Editions Ltd., 1988) 115-130.
- <sup>20</sup> Marquis, "Workingmen in Uniform", 273.
- <sup>21</sup> J.A.Blake, "The Role of the Police in Society", *The Police Function in Canada* ed. by William T. McGrath and Michael Mitchell (Toronto: Methuen, 1981), 77. This is a fine, progressive, and useful article, but it does have a false notion about the functions of civic police historically and the public and police need to have better sense of the continuities in policing.
- <sup>22</sup> *Ibid.*, 78.
- <sup>23</sup> Noah Webster, *An American Dictionary of the English Language* (1828), vol. 2, (New York and London: Johnson Reprint Corporation, 1970). Also see *Oxford English Dictionary*.
- <sup>24</sup> *The NWMP and Law Enforcement*, 34-5.