

A COMPREHENSIVE  
HISTORY OF  
**AMERICAN LAW  
ENFORCEMENT**



**TOMAS C. MIJARES, PH.D.**

**A COMPREHENSIVE HISTORY  
OF AMERICAN LAW ENFORCEMENT**

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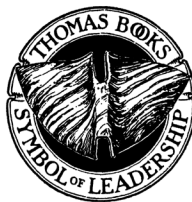
Dr. Tomas C. Mijares retired from the Detroit Police Department in 1991 after serving the majority of his career supervising patrol operations. While still working as a street supervisor he earned a Master's degree from the University of Detroit and a Ph.D. from the University of Michigan. Immediately after retiring, he became a member of the faculty at Texas State University and served as a Full Professor of Criminal Justice until 2020. Dr. Mijares continues to serve as a member of the Training Advisory Board of the Texas Department of Public Safety, the Texas Tactical Police Officers Association, and the Texas Police Association. He has often testified as an expert witness on matters about the tactical use of force by law enforcement personnel. His research findings in police tactical operations have been presented at several professional conferences and published in numerous academic journals and book chapters. He is co-author of *The Management of Police Specialized Tactical Units* (three editions), *Significant Tactical Police Cases*, *Training the SWAT Trainer*, and *Careers for the Criminal Justice Major*.

# A COMPREHENSIVE HISTORY OF AMERICAN LAW ENFORCEMENT

*By*

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#### **AUTHOR'S NOTE**

*For the past 25 years, I have had the pleasure and honor of collaborating with Ronald M. McCarthy on four books about police SWAT operations. Unfortunately, Ron passed away shortly before this book was completed. Rest in Peace, R 20-David.*



## PREFACE

The development of specific and useable skills is necessary for all police officers and for each student of criminal justice. However, a knowledge of the history of law enforcement is also needed for trainees and future theoreticians alike. The history of American law enforcement began long before the idea of a United States was conceived. Regardless of the topic, era, or location under discussion, the development of law enforcement has been determined by changes in societal composition, technology, politics, and economics. Accordingly, the primary purpose of this book is to explain the factors leading to the evolution of the modern police officer from a slave to a professional.

The history of most topics is often presented as a summary of names, dates, and places. For the readers, especially university students, the general study of history is treated as an exercise in conditioning through repetition. The approach to retention in this book is based on the Harvard Business School Model of Case Analysis. This approach to case study is intended to provide the reader with the opportunity to learn the facts of a situation, identify what was learned, and determine any resulting need for policy changes. In so doing, the approach encourages the reader to become an active learner more than a memorizer of facts.

The first chapter provides information about the book's purpose and methods of data collection and analysis. Its literature review also summarizes similar books that have chronicled various issues in the history of law enforcement. The next two chapters summarize ancient forms of law enforcement in Europe and the Middle East. Chapters Four through Ten describe the eras of American history from the early settlements to the modern metropolitan areas. They also describe how law enforcement evolved to serve and protect through these eras. Chapters Eleven and Twelve explain the Omnibus Crime Control and Safe Streets Act of 1968 and how this legislation affected law enforcement through increased availability of equipment and opportunities for education for all personnel in the criminal justice system. Chapters Thirteen through Fifteen describe specific problems that have developed throughout modern American society and how law enforcement has responded to these



problems. Chapter Sixteen summarizes the evolution of police technology. Although there have been significant developments in investigative technology, emphasis is placed on how technology affects the most visible member in policing: the patrol officer. Chapter Seventeen describes the recent criticism and politization of law enforcement. The final chapter provides conclusions that can be reached about the past and recommendations for improvement in the future.

Whether the reader is a college student preparing to enter a career in criminal justice or a seasoned professional this book will help avoid systemic mistakes of the past. For politicians, journalists, educators, and other people whose professions take them close to law enforcement personnel, this book will explain the evolution of those who have chosen to serve and protect and how they have gone from captured slaves to caring professionals.

T.C.M.

## ACKNOWLEDGMENTS

The history of a topic cannot be covered in its detailed entirety. One of the biggest challenges in describing historical development is the exclusion of much of the material. In this instance, exclusion does not mean that a particular topic is irrelevant to the discussion. Instead, with input from the people cited below, I have been able to identify issues that are central to the era under consideration. My intention is for the readers to identify and describe peripheral issues for further study and expansion and to write their own books on topics of their particular interest.

A book covering the history of any topic cannot be attributed solely to the thoughts and words of the listed author. Several people have contributed to this project in the form of substance, constructive criticism, suggestions, and encouragement. Michael P. Thomas and Sharon Moorman must be acknowledged for approving the topic and making timely suggestions for how and why I should undertake this project.

I must also thank my daughters Kristin, Jaime, Lindsay, and Staci, as well as their families, for tolerating my long forays into the deep periods of thought needed to write. Their presence was always a reminder that all of us who have been blessed to protect and serve still have a continuous obligation to make the world a safer place even after retirement.

Several people made various forms of contributions to this project long before it was conceptualized and deserve recognition. My high school English teachers Helen Beuker, Margaret Feringa, and Aida Rens instilled an appreciation for language skills that has lasted a lifetime. Without that appreciation, I would be uttering nonsense instead of conveying thoughts. Doctors Jay D. Jamieson, Kevin Jennings, Joseph D. Macri, Wayman Mullins, and David B. Perkins provided valuable suggestions on issues of content. Their ideas of topics to add and material to delete made the project manageable. Kristina Anderson, Priscilla Davis, Richard Davis, James Hillary, and Wilson Speir provided direct insight into actual events. Their personal recollections gave life to many of the case histories. Proofreaders Patricia Ryan and Ryan Schindler pointed out more than spelling errors, punctuation problems, typos, and incomplete sentences. They continuously reminded me to keep

the sentence structure simple to avoid turning the book into an exercise in obscure thoughts. The following retired police officers provided suggestions for sub-topics that have been particularly helpful:

James Ayres

Erwin Ballarta

Shannon Couch

Michael Finley

Norman Sieloff

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Marcus Wall

However, my greatest help came from my wife, Janet Mijares who retired from the Detroit Police Department as a Lieutenant in 1990. Without her support, my career as a police officer, later as a university professor, and currently as a writer would not have been possible.

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**A COMPREHENSIVE HISTORY  
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## Chapter One

### INTRODUCTION

In today's world of 24-hour news commentary, protests, and demands, there is an obvious and perhaps dangerous disagreement about the proper role of modern law enforcement. There is also a lack of background information about the forces that have shaped the development of law enforcement's organizations and operations. This sort of information is particularly important for students who wish to pursue careers in the field of criminal justice. It is equally important for the politicians who exercise control over appropriations for law enforcement and for the media pundits who influence public opinion.

Accordingly, the purpose of this book is to trace the historical changes in the economy, politics, science, and the law that have shaped American policing. This historical examination will go from its ancient roots to its modern structure and procedures and will include law enforcement's successes and failures. To accomplish this task, we refer to the admonition of the Spanish philosopher Jorgé Santayana (1905): "Those who refuse to study and learn from history are doomed to repeat it." We also rely on an optimistic re-wording of George Orwell (1949) in *1984*: "To influence the future, we must understand the present. To understand the present, we must first understand the past." Thus, the primary reason for presenting the material in this fashion is to provide those who follow in this career path with the historical foundation of their chosen profession. It is also intended to suggest a means to improve the present criminal justice system. The overall purpose of this book is to safeguard society by making improvements and refinements in the successes of the past. In so doing, there is an equally important purpose of avoiding of the previous problems and mistakes of the past.



This book will differ from its predecessors in four important aspects. First, it covers a wider time range. It begins with pre-Biblical references to the Egyptian Pharaohs and concludes with the present pushback to the moves to de-fund the police. Earlier books mentioned in the next section make only passing reference to the *Code of Hammurabi* and conclude with general statements about law enforcement during the current times.

Second, although it is presented in a relatively chronological order, more than the names, dates and places of events will be addressed. Notice is taken of the trends in society that preceded and followed the law enforcement developments under consideration. For example, the ratification of the Eighteenth Amendment and the passage of the Volstead Act were the result of the temperance movement. Legislation was expected to eliminate the consumption of alcoholic beverages. However, Prohibition became a major factor in the growth of organized crime and demonstrated how the path to perdition is often paved with good intentions.

Third, this book stresses the many court cases that have shaped the organization and operation of modern American law enforcement. Our system of criminal justice is not based solely on politics, the economy, social fairness, or a subjective perception of right or wrong. Our system of representative government is also based on the laws and decisions enacted by popularly elected politicians and enforced by their officially appointed officials. Consequently, great emphasis is placed on the legislation and litigation that have shaped the organization and operation of policing.

Finally, the last sixty years covered in the book will include personal perspectives that have been shaped by actual experiences in the field. While some theoretical academicians may say that the results of participant observation can be biased and even tainted, closer perspectives can be fostered by actual experiences. Familiarity with the history of police operations allows an explanation of the how and why to the basic academic interrogatives of who, what, where, and when.

### **EARLY DESCRIPTIONS OF THE HISTORY OF AMERICAN LAW ENFORCEMENT**

The original book about the history of American law enforcement was *A Short History of American Law Enforcement* by William Bopp and Donald Schultz (1972). This book began with a brief description of

the *Code of Hammurabi* and concluded with a short mention of the passage of the *Omnibus Crime Control and Safe Streets Act of 1968*. The authors described how the primary changes in municipal police departments during the nineteenth century were in the technologies of identification, transportation, and communication. Consequently, the book was written in very general terms to summarize various epochs in American law enforcement. It included topics such as the taming of the American Wild West, the Gilded Age, Prohibition, and the student protests of the nineteen-sixties.

Lionel Pender (2017) is even more brief in his summary of American law enforcement history in *To Serve and Protect: The History of Policing*. He started with the mutual protection covenants of pre-civilization and concluded with current protests by various minority groups. He covers over 5000 years in only 81 pages and is able to devote only a few sentences to some of the most significant events of domestic operations and policies.

Laurence A. French (2018) explains the events in substantially more detail in *The History of Policing in America: From Militias and Military to the Law Enforcement of Today*. He does an excellent job in describing many of the shortcomings of law enforcement. Although he describes some of the legislative acts that have shaped policing, he makes no reference to the many court cases that have shaped the direction and intensity of any recommended changes. Nor does he offer realistic or achievable means of responding to his criticisms of current law enforcement.

Other books have been written about the history of specific law enforcement agencies or geographical areas. For example, Walter Prescott Webb (1935) described the early years of the Texas Rangers in *The Texas Rangers*. Doug Swanson (2020) described the Rangers in a less romanticized manner in *Cult of Glory: The Bold and Brutal History of the Texas Rangers*. David Horton and Ryan Turner (1999) summarized the entire Texas criminal justice system of the nineteenth and twentieth centuries. James Lardner and Thomas Repetto (2001) described the New York Police Department up to the incidents of September 11, 2001 in *NYPD: A City and Its Police*. Jarvis, White, Wilson and Woody (2008) described the development of the Detroit Police Department from the post-Civil War period to the beginning of the twenty-first century in *Images of America: Detroit Police Department*.

Books have also been written about specialized units within single departments, while others have traced the evolution of specific movements within law enforcement. For example, Cy Egan (1974)

described the inception and evolution of New York Police Department's tactical response capability with *Some Very Special Men: The Emergency Service to the Rescue*. Kraska (2001), Fisher (2010), and Balko (2013) all criticize this very specialized aspect of American law enforcement but ignore the court cases that have shaped it. Both Balko and Fisher discuss tactical units by continuous reference to failed drug raids.

Cheryl Mullenbach (2016) traced the courageous integration of female police personnel into the mainstream of law enforcement with *Women in Blue: 16 Brave Officers Forensics Experts, Police Chiefs and More*. She does an excellent job of describing the individual officers and their challenges in achieving employment in positions of responsibility that had traditionally been held exclusively by males.

Various books have been written about significant individuals in the history of American law enforcement. Peter Maas and Frank Serpico (1973) wrote Serpico's autobiography. Robert Daley (1978) wrote a similar book about the career of Detective Robert Leuci in *Prince of the City*. Daryl Gates (1992) wrote his own autobiography in *Chief: My Life in the LAPD*. Similarly, Baker (1985), Rachlin (1991), Osborne (2015) Clarke (2017), and Letersky (2021) described their personal experiences and perspectives of a career in law enforcement.

Stamper (2005) and (2016) as well as Mac Donald (2016) provide excellent summaries on the current state of American law enforcement and offer realistic suggestions about systemic improvement. These commentaries about the present, however well-intended, would be more thoroughly described with historical discussions of the social, legal, political, economic, and technological influences that influenced their development several generations ago.

However, Vitale (2018) calls for the elimination of law enforcement because of what he views as a tainted history and evolution. His call for elimination is based on an unrealistic utopian society where conflict and disorder have disappeared and laws to regulate behavior are unnecessary.

### **THE VALUE OF STUDYING THE HISTORY IN LAW ENFORCEMENT**

A common misperception among high school and college students views history as the tedious memorization of names, dates, and places. This misperception has resulted in a marked distaste for any study

of the past. The confusion over its importance is largely the fault of academic testing where the focus has been to be able to recall trivial facts at least on a temporary basis. Little can truly be learned, less can be retained, and nothing can be applied if the only goal is to earn a passing grade as a class requirement for some sort of degree or certification.

Often, the motivation of students is a function of the enthusiasm of the instructor. If the material is presented as a package of facts to be memorized for a test, only a minimal effort is put forth. However, if the instructor can show the long-term value of the subject matter especially during the initial stages of the course material, learning becomes a self-perpetuating process of eager and even fervent intellectual activity.

A second cause for the aversion to studying history is an unwillingness to see its relevance to the present. Just as the rings on a tree's trunk show its growth from its center, human growth and achievement can best be seen from its core. Regardless of the specific topic, any subject matter takes on more significant meaning if it is discussed in terms of its previous state. For example, police uniform clothing has changed markedly since the first uniforms were worn by the London Metropolitan Police Department subsequent to the Peelian Reforms. Improvements in fabrics, colors, and design have produced modern uniform clothing that is more comfortable, more durable, safer, and easier to maintain. The present state of the art in any subject matter can be more clearly understood when discussed from the perspective of its history. Its future direction can also be more accurately projected.

Third, history is not always a neat and linear progression with equal intervals between events. The history of any topic is usually characterized by circuitous routes, zigzags, dead ends, and long lapses between events. The human preference is for a simplistic explanation to most situations and phenomena. However, since human behavior does not always follow the laws of physical science, historical explanations can become complex, perplexing, and even contradictory.

As an example, the winding road of history can be seen through the history of metallurgy. The **Stone Age** ranged roughly from 8000B.C. to 3000B.C.. Tools and weapons were made literally from sticks and stones. The **Bronze Age** (3000B.C. to 1200B.C.) was characterized by the use of bronze, copper, and tin alloys as the primary metals for tools, weapons, armor, and ornamentation. Although the ore deposits of other metals were much more plentiful, they were either inaccessible