How the History of Law Enforcement Can Help Guide the Future of Community Policing

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Introduction

The murder of George Floyd on May 25, 2020 was a watershed moment for the United States and its people.¹ What had started as a simple check to see whether Floyd had purchased a pack of cigarettes with a counterfeit bill in a matter of minutes had turned into a violent overresponse by police officers that clearly violated protocol.² Officer Derek Chauvin infamously knelt on Floyd’s neck for nine and a half minutes.³ The official ruling on the death by the county medical examiner is that this was a homicide that resulted from Chauvin’s fatal pin and “the presence of fentanyl and methamphetamine in Mr. Floyd’s system and his underlying health conditions.”⁴ The reactions that emerged in response to this murder ranged from inspirational displays of America’s potential and the strength of local communities to unacceptable riots that led to massive destruction and death. In the aftermath of the murder of George Floyd, steps must be taken to heal America’s racial divide and reform law enforcement by depowering police unions and offering police departments the resources to pursue diversity and community policing initiatives nationwide.

The History of American Policing

Before any statements can or should be made concerning modern political action in the field of criminal justice, it behooves every American to first look backwards to understand how the country arrived at its current crisis. If policymakers and voters can understand the


³ Ibid.

⁴ Ibid.
complexities of the system in more detail, they will be able to make decisions about the future that ensure the nation does not repeat its errors. The most often employed explanation of the creation and evolution of police in the United States breaks down the history into three distinct eras: the political era, the reform era, and the community era.\textsuperscript{5} This does not mean that this system is without its flaws but contrasting the more traditional history with modern critiques will help to create a truer understanding of law enforcement’s history.

The political era of law enforcement has typically been understood as a time where police were under the control of the political machines of the late 19\textsuperscript{th} and early 20\textsuperscript{th} Centuries.\textsuperscript{6} Politicians would use the police to execute laws that were designed to support that machine and would then help police to solidify their continued existence in society.\textsuperscript{7} Officers would walk around neighborhoods for their patrols, which also would allow them to form strong community connections.\textsuperscript{8} As urbanization developed and cities swelled with people from around the country and immigrants in the late 1800s, violence decreased but still there was “Mob violence that resulted from racial/ethnic strife, labour conflict, and local ward politics” which required a strong institution to instill order.\textsuperscript{9} The police were initially formed to combat these problems in addition to large racial instability that resulted after white mobs targeted black Americans in the cities.


\textsuperscript{6} O’Connor and Shon, “Civilising the Police: Reconceptualising the Role of the State in Theories of American Policing,” 49.

\textsuperscript{7} Ibid.

\textsuperscript{8} Ibid.

\textsuperscript{9} Ibid, 49, 52.
which then sparked riots of black Americans, which police then were created to control.\textsuperscript{10} Law enforcement in America was born in response to chaotic changes in society, but similarly existed as a largely chaotic entity with an ever-evolving role.

The actual structure of police and their responsibilities during this time period is unrecognizable from modern policing as officers were largely the suppliers of social services. Officers were responsible for running “soup kitchens and houses of lodging for vagrants, in addition to issuing and inspecting licences and permits, inspecting boilers, standardising weights and measures, regulating vice, and finding lost children.”\textsuperscript{11} As these social roles of the police began to change when organizations that provided those services were being created, police began to shift into a far more authoritative organization that was designed to control the lower classes and began being used as strong tools by local executive politicians.\textsuperscript{12} The roots of the police in racial and economic superiority are important to note not because modern policing is inherently racist, but to remember that this kind of legacy has led to massive distrust in minority communities and that any step forward has to work to make amends to this broken relationship.

Black Americans face a startling disadvantage in the justice system and those inequalities must also be confronted and eradicated. Part of this legacy, however, is the legacy of community. Police officers from this time period knew the people they protected because they were deeply involved in the affairs of the community. As we look to solutions for the future, answers need to come in the form of giving police stations the tools to build these relationships. Furthermore, the

\begin{flushright}
\textsuperscript{10} Ibid, 49.
\textsuperscript{11} Ibid, 52.
\textsuperscript{12} Ibid.
\end{flushright}
offensive aloofness present in policing during the middle of the 20th Century should be steadfastly avoided.

The reform era of policing is said to comprise the middle portion of the 1900s, stretching from the beginning of the Great Depression and into the 1970s. Professionalization defined this era. Law enforcement shifted into a far more independent structure that was organized with a unique focus on working against criminal activity. This is where the larger bureaucracy of law enforcement began to develop as police officers morphed into the watchdogs and regulators of communities, rather than the recognizable local resource they once were. Although cars and the implementation of 9-1-1 calls did allow for increased community access to the police, their separation from politics also meant that the communities control over policing was now somewhat muted and distant. The reason why this time period is largely referred to as the reform era is that law enforcement agencies were making efforts to eliminate political corruption, however, this manipulation just became more covert. The reform era clearly did not take the influence of politics out of policing and, more obviously, no great reform was enacted to make living more equal and fairer for minority Americans, who only truly began to achieve civil rights victories in the 1960s. This is where much of the true foundation for the American policing system began to form, but it is clear to see why this era should not be realistically emulated.

13 Ibid, 49.
14 Ibid.
15 Ibid.
16 Ibid, 53.
17 Ibid, 49, 53.
18 Ibid, 53-54.
19 Ibid, 53.
This type of policing is far more recognizable to modern day Americans who may have lived through this time period. This era was defined by this cold and harsh mentality that was justified by the claim that crime would be reduced and that people would be safer, but that simply was not the case.\textsuperscript{20} In reviewing the efforts of this era, it is evident “that the isolation and distance experimented with during the reform era had done little to address crime rates, reduce the fear of crime, or improve police job satisfaction.”\textsuperscript{21} The reason why this reality is so concerning is that there are clear connections from modern day law enforcement structures to this antiquated model of policing. Although it may seem very distant, the estimated end of this period was at most fifty years ago. This era is where many of the problems in policing began to emerge and it remains important to view our current era with a great level of scrutiny to ensure that the traditions of this generation have not and will not seep into the modern efforts toward community policing.

From the late 1970s to the present day has been defined as the community era because it supposedly represented a shift away from reform era policing and into a time of increased community connection and cooperation.\textsuperscript{22} Officers began policing on foot again, started to use the community as resources to learn about common issues, and would look to the community for help in resolving those issues.\textsuperscript{23} There are three main pillars which define community policing.\textsuperscript{24}

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\textsuperscript{20} Ibid, 50.
\textsuperscript{21} Ibid.
\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid.
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The community partnership pillar calls for increased police collaboration with the people and organizations they have sworn to protect in order to resolve local issues. The organizational transformation pillar refers to the structural shift in police designed to solidify current shifts in policing philosophy through changes in “personnel” and management styles. Lastly, the problem solving pillar focuses on “proactive” rather than retroactive policing, targeting the roots of crimes and other notable issues. Police work today represents the litany of changes that the country has gone through and has a very dynamic and complicated structure that matches the very fearful world that officers have sworn to protect.

While this seems like a major improvement and an accurate review of modern policing, its major flaw still has not been mentioned: what these changes mean for minorities. Many people of color still do not trust these institutions, will not aid the police, often do not become police officers, and as evidenced by George Floyd, are still vulnerable to discrimination. The problem with our current era is that it has not truly lived up to his name as police are disconnected from their communities, especially from minorities, and have thusly created a half-baked justice system that demands reform. What the effect of these deficiencies on the citizenry are and how people view modern day justice, however, are vital to understand before any changes can be implemented.

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26 Ibid, 1,4.
27 Ibid, 10.
29 Ibid, 51.
American Police Brutality and its Effects on Public Opinion

Throughout every era of policing in the United States, minorities, especially black Americans, have been consistently left behind. They were actively fought against in the early stages, they did not receive fair treatment during most of the 20th Century, and they are not present as part of the community in the current community era of policing. The reason for this is that law enforcement has been largely antagonistic towards black Americans and members of this group are raised in fear of the police. A report that collected data from April 2009 to June 2010, showcased that there were almost 6,000 cases of misconduct during this small scope of time with 382 deaths that resulted from these abuses of power.30 Although these cases did not exclusively involve police and African Americans, the widespread existence of this behavior and the history of discrimination are more than enough to stoke fear and conflict. According to a 2019 survey, 84% of black adults, compared to only 63% of whites, believed that that black people are “generally treated less fairly than whites.”31 A 2016 study stated that 79% of blacks, compared to 60% of whites, believed that fatal incidents between police and black citizens were “signs of a broader problem.”32 Furthermore, this same study showcased that when comparing responses between both black and white police officers to this question, black officers were far


more likely to believe support this claim, with 54% agreeing with the prompt and only 27% of their white colleagues agreeing.³³ For those who would suggest that the mere belief that discrimination occurs is not concerning, they should realize that poor public perceptions of the police can lead to massive societal issues as minorities who may require police aid will not reach out for it and very real tension between minorities and police will increase. A large contributor to this distrust between the police and minorities is the police union and its role in preventing punishment to those officers who abuse their posts.

**The Complex Threat of Police Unions**

It should be noted that both Derek Chauvin and one of the other officers involved with George Floyd’s murder, Tou Thao, had both received complaints in years past, with Chauvin even receiving a reprimand and Minneapolis paying a $25,000 lawsuit in regard to an incident of brutality surrounding Thao.³⁴ Clearly, neither Chauvin nor Thao were suitable officers and did not belong on the police force, however, the might and power of police unions makes the removal of such officers near impossible.³⁵ The mayor of Minneapolis, Jacob Frey, has even said that “We do not have the ability to get rid of many of these officers that we know have done wrong in the past due to issues with both the contract and the arbitration associated with the union.”³⁶ In a review of union contracts in 81 large cities, it was found that 81.48% of these

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³³ Morin, “6. Police views, public views.”


³⁵ Rachel Greszler, “Confronting Police Abuse Requires Shifting Power From Police Unions.”

³⁶ Ibid.
contracts “Limits Oversight and Discipline”, 53.09% “erase Misconduct records”, and 32.1% “Disqualifies Complaints.”37 After the death of George Floyd, people became enraged at the police, desiring to defund and in some cases eradicate police departments, but if they had looked deeper, they would have learned that there was a wheel in the machine designed to keep bad cops in positions of power. One study from 2017 found “a 27 percent increase in complaints of misconduct against the typical sheriff’s office” occurred as a direct result of those offices gaining collective-bargaining power.38 The power of police unions is one that needs to be immediately checked, as also evidenced by the reports from officers themselves.

Unions are designed to be the greatest advocates for their workers, which is not troublesome in general, but becomes a very dangerous concept when applied to positions of power. It is also clear when reviewing the historical record that one of the reasons why community policing and even policing during the reform era was problematic stems from a lack of trust and inclusion with minorities in society. The question that must be asked is whether it is fair to expect those who have been excluded to trust institutions without those institutions first taking realistic steps to change the norms of justice. In addition, a survey in 2015 of police administrators from across the country found that almost two-thirds of this group did not believe that their police union “works toward the best interest of their community” and only 11% believed that it did.39 As public sector unions increase in power and influence, police


38 Tate Fegley, “Police Unions and Officer Privileges,” 167.

39 John DeCarlo and Michael J. Jenkins, Labor Unions, Management Innovation and
departments are going to have to be very careful to monitor if that disbelief in the good will of unions seeps into public perceptions, as it may worsen police standing with the community even more. The argument against police unions is important, yet there is one major critique of this call to action that is important to note.

It would seem that the golden solution to this problem would be to completely depower the unions and that this change would singlehandedly usher in a new era of peace between the police and their communities. The reality, however, is far more complicated. Unions are a major problem in law enforcement, but it is police culture that has forced the union into its problematic position. The unions are merely fulfilling their natural purpose and design, but the design has been applied to a culture that is unhealthy at best. A quarter of officers from a 2000 Illinois study said that “that they have observed an officer harassing a citizen ‘most likely’ because of his or her race.” This study detailed how half of the officers said that ignoring abuses of power is


John DeCarlo and Michael J. Jenkins, Labor Unions, Management Innovation and Organizational Change in Police Departments, 37-38.


Benjamin Levin, “What’s Wrong with Police Unions?,” 1388.

common and 67% said that officers will likely be shunned if they do report any such abuse.  

This critique about the targeting of police unions is seemingly a fair one. This does not mean that police unions are without fault, and they still should not be allowed to keep their control. Police unions may not be the cause of this abuse of power, but its empowered existence allows for abuse to be carried out with little impunity and is a force against positive reform. Many have argued that the removal of the protections offered by police unions provide officers with the ability to make quick decisions that save lives. While this is important, part of the focus of community policing is a shift away from the split-second decisions to actions made based on context. Increased organizational transformation and problem solving does not call for stripping officers of power but for using that power safely by people who have been properly trained under a community policing model. What this does mean, however, is that police must take steps to increase community policing and increase the diversity in police departments.

**Diversity and Community Policing**

It is, unfortunately, an accepted reality that white males dominate positions in law enforcement, leading to a culture that truly benefits from only one kind of perspective. Women have only recently begun to increase their numbers in policing. Only 7.5% of “sworn police employees” in 1987 were women, however this number has steadily increased, although it temporarily leveled off in 2007 at 11.9%. More recently, as of 2019, approximately 15.1% of

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45 Rachel Greszler, “Confronting Police Abuse Requires Shifting Power From Police Unions.”

46 Melissa Morabito and Tara O’Connor Shelley, “Representative Bureaucracy: Understanding the
police officers are women, however, an increase of only about 7.6% over a thirty-year period is surely not the best that can be achieved in the future. Furthermore, the increase in the amount of black police officers has also increased at a very slow rate. From 1987 to 2000, the percentage of black officers increased from 9.3% to 11.7%. Almost twenty years later, that number only increased to 12.4%. Increased diversity will work to instill faith in the institution and help achieve the goals that supposedly define this community era. The reason why it is important to also pull data from 1987, is because it allows citizens to see just how much this era has failed to engage and fully represent communities. Diversity programs follow the path identified by that second pillar of community policing and also contribute to a more understanding and innovative system of problem solving and encourage more minorities to engage in community partnerships.

Increasing the amount of funds devoted to diversity programs is a vital step in preventing


49 “Police Officers.”

instances of police brutality from occurring, but in order to truly create change community policing must be made a priority.

Part of the reason why it was necessary to review the three eras of policing, is because by looking at the past we can properly make expectations for the future. There is likely no better example in the United States of this effort to take the next step in the evolution of justice than in Camden, New Jersey. What makes Camden such an interesting case study in community policing is that it is a city that is facing extensive poverty and a high murder rate but is still managing to push through and change.51 The city’s evolution is best described with this quote from Officer Tyrell Bagby, “The old police mantra was make it home safely… Now we’re being taught not only should we make it home safely, but so should the victim and the suspect.”52 The reform in this town has involved a new rule requiring police to drive anyone who has been shot, including if they were shot by the police, to the hospital if waiting for the ambulance created a greater health risk.53 Much of the significant change that has happened in Camden after the police force was temporarily disbanded, which allowed for “lower salary and pension obligations” that allowed Chief J. Scott Thompson, the pioneer of the changes in Camden, to rewrite the culture of his precinct and create a police force that could meet the standard of positive community policing, again following that second pillar of organizational


52 Joseph Goldstein, “Changes in Policing Take Hold in One of the Nation’s Most Dangerous Cities.”

53 Ibid.
transformation.\textsuperscript{54} Another important question is how to apply to community policing outside of urban city areas like Camden.

Rural and small-town policing is not as prioritized in the media, but community policing efforts in these places are just as noteworthy. By 2001, about two-thirds of police departments and sheriff’s offices respectively had “full-time personnel” developing community policing efforts.\textsuperscript{55} A 2001 study by Community Oriented Policing Services under the U.S. Department of Justice found that key aspects of success for towns were strong support from local officials, strong leadership from police captains and sheriffs in implementing programs, and innovation from officers who worked out in the community.\textsuperscript{56} When leadership proves to officers and citizens that community policing needs to be taken seriously, this will be reflected in the trust of the populace and increased officer creativity over time.\textsuperscript{57} There are signs that community policing is not only desired but effective, with many steps that can be taken to achieve this goal.

When implementing community policing programs into towns and cities it makes sense that the support of citizens is very important to the success of these initiatives. Data from a 2007 survey of a small Northwestern city displays that “the majority of respondents in the city supported the philosophy of COP”, community-oriented policing.\textsuperscript{58} Although this poll concerns only one area of the country, it helps begin to display that citizens are ready for a

\textsuperscript{54} Ibid.


\textsuperscript{56} U.S. Department of Justice, \textit{Community Policing Beyond the Big Cities}, 1-2.

\textsuperscript{57} Ibid, 2.

\textsuperscript{58} D. Heeuk Lee, David Kim, Youngki Woo, and Bradford W. Reynolds, “Determinants of Citizen
paradigm shift and to move into a better era of policing that distances the country from the reform era. Furthermore, community policing can even help in reducing crime as well, as one study displays that on a scale measuring the “implementation of community policing strategies” there was an 8.8% decrease in juvenile arrests when there was “a one standard deviation increase in the COP scale”.59 Another very interesting facet of reform which has been very publicized over the past decade, has been body cameras for police. This reform has proven so effective that it must become a staple of future policing. In a 2016 survey in Mesa, California, 77% of police officers said that they thought that body cameras would push them to behave appropriately, which was proven in a 2013 study of the department that found that there was “a 40% decrease in complaints and a 75% decrease in use-of-force after” body cameras became the norm.60 These changes and others are vital to the evolution of modern law enforcement and are vital to respond to the changes demanded by citizens in the aftermath of George Floyd.

**Conclusion**

The battle that all Americans now face is what to do with that spark of change ignited by the death of George Floyd, because, as the past showcases, law enforcement can be a largely stagnant system resistant to change. American history has been one of racial division, and while

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progress has been made, there is still much work to be done. The paths to increasing that communication between police and minorities and reducing instances of police brutality are not one-sided but deeply complex and no single solution is capable of accomplishing these goals. What is true, however, is that if these aforementioned protocols are followed, is that the next era of policing will be far more inclusive and community-based than all of its predecessors. Unfortu

Unfortunately, however, the reality of politics is that tragedies and the zeal for change can be quickly forgotten if those with the ability to act wait too long to do so or take the wrong steps to achieve their goals. Americans need to take the logical leap to support the restriction of unions and enacting community policing initiatives so that this spark does not go out as the anger subsides, but instead begins to grow even brighter.

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