

CHAPTER XVII

POLICE, FIRE, AND HEALTH PROTECTION

THE guarding of a city includes protecting the life, health, and property of the people. This protection is afforded by the police department, which includes various courts and correctional institutions, the fire department, and the department of health and sanitation.

It is easy to trace the connection between the city and the need of protection. Crime is largely urban, as is vice. Infectious diseases, the necessity for pure water and milk, the disposal of sewage and garbage, and the inspection of food inhere in the conditions of city life. Sanitation is a modern science which has come into being to solve the problems created by urban environments. In the words of Doctor Edward Lederle, former health commissioner of New York: "Each advance in sanitary science goes to strengthen the position that the problems of preventable disease and misery are largely social problems and must be met and solved by collective action on the part of the community."

And where the close living of people becomes congestion the problem is more insistent. Crowded tenements and unwholesome factories breed dis-

ease, and such tenements and factories are products of the modern city.

The need of fire protection arises in the same way. While the isolated building may be left to its own risks, isolation is not possible in the city. And where population is crowded the danger becomes a constant menace. The existence of thousands of tenement buildings in New York, "housing nearly 3,000,000 people . . . most of them built with wooden stairs, wooden halls and wooden floors, and thousands built entirely of wood," partially explains the rapid development of the fire service of our great cities.

Social Origin of Vice and Crime.

The economic and industrial conditions in cities also tend to produce vice and crime. There is a traceable relation between unemployment and vagrancy. Crime increases during periods of industrial depression. The human wreckage of the city is largely the result of industrial change, of loss of work, bad times, sickness, and the attendant evils of poverty. From those thrown out of work the tramp, vagabond, prostitute, and petty criminal emerge. And the system of arrests and indiscriminate punishment still further enlarges the criminal class. Juvenile crime is largely the product of bad home and street environment. Mr. Ernest K. Coulter, formerly clerk of the children's court of New York County, says: "The children often come to feel that they are not wanted in their so-called homes, and they are really forced to

the street. The most skilful pickpockets in New York City are children. The ranks of these young thieves are constantly being recruited from the districts where there is the greatest congestion." The same is true of the fathers and the older children. They, too, are driven from the home to the street.

The city has created these burdens, it has surrounded the individual with dangers. For this reason protection is a social obligation and public opinion is coming to recognize that the motives of police and correctional administration should not be retributive or punitive but humane and curative.

Organization of the Police Department.

The selection of patrolmen and firemen in the larger cities is made according to civil service rules, although up to a generation ago the selection of patrolmen, especially, was in the hands of the head of the department or the mayor and was on a spoils basis. The application of civil service rules to the police department began in 1883 with the passage of the New York law. Under the present rules the candidate must be a citizen and must be indorsed by four persons of good character not saloon-keepers; he must submit to a physical examination to determine whether he is of sound body and proper physique and to a mental examination which involves some knowledge of the geography and government of the city and a test of arithmetic and memory. He must have a minimum height of five feet eight inches.

In some smaller cities where civil service rules are not in effect certain qualifications are made a prerequisite for appointment, as in Fort Worth, where the applicant must be able to read and write; must have been a resident of the city and State for two years; must never have been convicted of a crime; must be between twenty-five and forty-five years of age, at least five feet ten inches in height, and weigh not less than 160 pounds. In addition the candidate must be of good health, steady habits, and moral character.

The unit of police administration is generally the precinct, in charge of a captain. Although there are inspectors over him and detectives working with him, the captain is mainly responsible for the maintenance of order in his district and for the execution of policies formulated by the head of the department. Under the captain are several platoons of patrolmen, each in charge of an officer called a roundsman, who conducts the platoon to its post and inspects its service. The roundsman has himself generally risen from the rank of patrolman by merit.

Administrative Control.

The chief of police is usually appointed and removable by the mayor and is, in the United States, either a layman or a professional. The appointment of a lay chief is urged by some on the ground that under a professional chief a narrow code of disciplinary ethics is apt to pervade the force, involving a lack of sympathy with or disregard of the

rights of citizens; and this has usually been true. The objection to the choosing of a layman for this post is that such a choice often brings in professional politicians, who use the department as a source of revenue, and, even if this is not the case, the lay head is too ignorant of the nature of criminals and the duties of the police to be effective, while his term is too short to allow him to acquire the necessary knowledge.

In regard to this shortness of term and the disability which it inflicts upon the head of the department, General Theodore Bingham, former police commissioner of New York City, says:

“As the policeman is in office for life, he very logically looked past both the mayor and me and made his allegiance and took his orders from the only permanent influence concerned—the politician. I could not at that time even choose the leading officers of the department when I wanted to carry out my orders. I was in command of a body of men who by the logic of their position were forced to take their final orders from some one else.”

This leads to the problem of whether the power of appointment and removal should be lodged in the mayor or in a commission, both of which forms of administration have been tried. The board form was at first chosen, beginning with the establishment of New York City's modern police force in 1857. Its advantages were believed to consist in the provision for representatives of both parties on the board, who would serve as checks upon each

other to prevent corruption. But abuses developed which indicated that instead of withholding each other the two parties combined to divide the possible spoils, while in case of complaints responsibility was shifted. As a consequence the board system has generally been abandoned in favor of the more highly centralized form of a single commissioner appointed by the mayor, in whom, whatever the possibilities of political influence, responsibility is directly concentrated. And concentration of responsibility is generally recognized as the first essential to efficient administration.

Fire and Health Departments.

The administration of the fire department is usually in the hands of a layman appointed by the mayor, and under him, as actual executive, is an expert chief. The fire, like the police, department is organized on a semi-military basis, with brigades and officers.

The board form of administration, generally found to be less efficient in the police department, is, on the other hand, commonly used for the health department. This is due to the broad powers and scope of this department, which is inevitably closely correlated with the public schools, with factory inspection, tenement-house and police administration. New York City attempts to represent this correlation of responsibilities and executive powers by creating a board with wide legislative functions, empowered to enact ordinances "for the security of life and health in the city not inconsistent with

the Constitution or laws of the state," and consisting of the commissioner of health, who is the responsible executive officer, the police commissioner, and the health officer of the port.

Suggested Police Reforms.

Various reforms for the improvement of the police have been suggested. When the complaint is directed at the failure to apprehend criminals the plea is made that the force is too small. There is no definite standard of the number of patrolmen needed in proportion to population, and it is claimed that we have relatively fewer policemen in this country than in Europe. And the reform usually urged by an administration under the necessity of shifting the responsibility for increased crime is an increase in the numbers of the force.

Another suggested reform is more generous provision for "shoo flies," or plain-clothes detectives, to work by the side of patrolmen, inspectors, and captains, without their knowledge, and report on their performance of duty. Mr. McAdoo, of New York, says of this proposal:

"The work of the spy is detestable, and the class of men who are willing to degrade themselves by performing these duties is such that but little credence can be placed upon their testimony. It injures the morale of the force when favored patrolmen are sent out in citizen's clothing to spy upon other policemen of the force. It is doubtful whether it is good policy to allow superior officers to spy upon the force. It is undoubtedly bad policy to encourage citizens to spy upon them."

Another suggestion is the establishment of stricter State supervision. The instability of our police administration as compared with the stability of European state appointed or supervised police forces is cited, and the claim is made that a strong, unified, and responsible police force can only be secured by thorough State organization and control. Such State control, however, seems to be distasteful to American cities, although the police force in the metropolitan district of Boston is in the hands of a commissioner appointed by the governor.

Institutional Evils Which Demoralize the Police.

There are others who insist that the evils of police administration, the corruption and the blackmail, cannot be corrected either by an increase in the number of patrolmen, by spy or "shoo-fly" supervision, or by State control. These reforms are directed at the symptoms rather than at the disease itself—a disease which inheres in the obligation on the part of the police to enforce laws enacted by the State directed against the saloon, gambling, and the social evil. It is these laws, aimed at the control of morals, that everywhere demoralize the police, not only in this country but to a lesser extent abroad. And this is the crux of the police problem. These laws generally prohibit and make a penal offence of gambling and prostitution; they prohibit the sale of liquor in a saloon on Sunday and provide for many other regulations directed against such evils. In the first place these laws

are not enacted by the city but by the State; they are uniform as to all cities, irrespective of their size or population, and are usually out of harmony with the public opinion and conditions which they aim to correct. Many things, too, are specified as crimes or misdemeanors which urban populations do not regard as such; in fact, a large part of our city population looks upon offences against the excise laws as so purely personal to the individual that the law has no right to intervene except to suppress such acts as become a nuisance to the good order of the community.

The City and the Saloon.

Of the population of New York 80 per cent. is either foreign-born or of foreign extraction. Tens of thousands of visitors come to the city each day. A large percentage of the foreign-born look upon the restaurant and the saloon as no more essentially evil than any other private business and the laws which attempt to close them on Sunday as an intrusion into their personal rights. Millions of working men, too, have no place of rest or recreation, no other opportunity for social contact with their fellows, for club or labor-union meetings, than the saloon. And all of these classes protest against the attempt to treat the saloon as a criminal or a quasi-criminal institution. In addition, the laws directed against gambling and prostitution are in many instances difficult of enforcement or not adjusted to easy administration.

The police problem is a product of these con-

ditions. Officers are tempted to permit evasions of a State law which they are sworn to enforce and in whose wisdom or justice a large part of the community does not believe. There is every reason for tolerance; little reason for rigid enforcement of the law. Violation of the law thus becomes a special illegal privilege in which the patrolman and the boss are able to barter with protected vice. That these privileges are very valuable is evidenced by the recent testimony in New York that \$2,000,000 a year is paid by protected interests for privileges which the police have no legal right to grant.

Police Corruption.

Corruption is paid in large and small amounts—directly in cash to the patrolmen, captains, and inspectors for the privilege of being let alone, and indirectly through political influence. According to Mr. McAdoo, of New York, gambling was permitted in that city because the leaders of parties wanted to use the pool-rooms for party advantage. When a gambler wanted to open a place he went to the leader of the district and obtained his consent by permitting the boss to employ a number of employees in the pool-room at \$5 a day. This was only one of many forms of graft fostered by the State laws against these evils.

The Excise Question and Politics.

The corruption started by the saloon, by gambling and the social evil, runs and ramifies in many other directions. It not only demoralizes the police force but identifies the underworld with

many other crimes of a more serious nature. In addition, municipal reform is confused by the injection of these questions into politics. Mayors are elected not because they are efficient administrators but because of their attitude on the Sunday-closing question, on whether they believe in a liberal enforcement of the laws. These conditions bring the saloon into politics; the fear of legislation draws them to the legislature; the saloon-keepers of the city are organized for aggression or protection and identify themselves with any party, group, or organization which will offer protection against further legislation.

Mr. Brand Whitlock, for eight years Mayor of Toledo, says of these conditions: -

“The insistent confusion of vice with crime has not only had the effect of fostering both but is the cause of the corruption of the police. Their proper function is to protect life and property and this the police of American cities perform as well as policemen anywhere. But when by a trick of the sectarian mind, the term *crime* is made to include all the follies and weaknesses and vices of humanity, when there is added the duty of enforcing statutes against a multitude of acts, some of which only puritanical severity classes as crimes, others of which are regarded by the human beings in the community with indifference, tolerance or sympathy, while still others are inherent in mysterious and imperative instincts which balk all efforts at general control, the task becomes wholly impossible and beyond human ability.

“The police know it and everybody knows it.

And it is difficult to induce men to take much interest in punishing acts their own consciences do not condemn.”¹

Difficulties of Reform.

The maintenance of a truly efficient and honest police force will remain a very difficult problem until the department is free from contact with these evils, which freedom can be best secured by transferring the control of the saloon evil, of gambling, and of other social problems from the State to the city itself. And were the city free to control them by administrative acts, as the health of the community is now protected, were it able to adjust its ordinances or official decrees to conditions as they arise, then it would be possible to work out by experiment solutions which would harmonize prevailing opinion with the laws and at the same time enable public opinion to hold the mayor and council to responsibility for the morals of the city, which is not now possible when many of the laws have no such support or are impossible of enforcement. This would not involve an open town. Public opinion has reached a point that would not tolerate that. It would, however, lead to the enactment of such orders as would free the police from constant temptation and would enable the city to solve the problem in an intelligent way.

The necessity for such a change is being recognized by the many proposals for the creation of special moral squads, whose sole duty is the enforce-

¹ *Forty Years of It*, Brand Whitlock, p. 243.

ment of laws and ordinances which deal with these evils, a solution, however, which does not meet the difficulty involved in the lack of adjustment of State laws to local public opinion.

Police and Other Courts.

Police courts are an integral part of police administration. Their jurisdiction is limited to misdemeanors and petty offences which generally involve no criminal act. The mass of the inhabitants of a city know no other justice than that meted out by these courts. Two methods of selecting police magistrates have been tried: popular election, which has resulted in grave political abuses and the election of men under the control of the political boss, and appointment by the mayor.

The establishment of special courts for certain classes of offenders is a recent and valuable development in police magistracy. Among these special courts are night courts for men and women, domestic courts for the settlement of family troubles, and juvenile courts. Juvenile courts have been established in most of the larger cities. The maximum age of offenders who may be brought before the juvenile court is about sixteen years, though it differs slightly in different cities, as do the offences which may be tried. In New York crimes of all kinds except capital offences may be tried in these courts; in Saint Paul all violations of State laws and city ordinances. The magistrates of children's courts are enjoined to consider the accused child "as not on trial for the commission of a crime but

as a child in need of the care and protection of the state." In New York the magistrate may suspend the trial at any time for further facts or to make collateral inquiries, or stop the proceedings entirely and treat the child according to the law for children not having proper guardianship. He may place the child under probation for varying lengths of time and under the charge of a probation officer. Special magistrates for the hearing of children's cases have not always been provided for by law, although experience shows that special qualifications and training are necessary for the discharge of this work. The New York law provides that justices of the court of special sessions shall from time to time be assigned by the chief justice for hearing and disposal of children's cases.

The Police Policy of Cleveland.

The city of Cleveland, Ohio, has worked out the most comprehensive police policy of any American city, a policy which has freed the police from corruption and bribery, has materially reduced vice and crime, and humanized the correctional institutions which deal with all non-criminal offenders. The policy begins with the golden-rule or common-sense policy of police administration introduced by Fred Kohler, for many years chief of police. Under this policy the number of arrests have been reduced to about one fourth the number made prior to the change. Chief Kohler said:

"The police force is organized for the prevention of crime, for the capturing of criminals, and the aid

and convenience of the public; not for the purpose of causing the weak, the thoughtless, and the unwise and their innocent relatives to suffer and be disgraced.

“The Golden Rule or Common Sense Policy, in a few words, is one that aims to arrest persons only when they should be arrested.”

Under this policy arrests for drunkenness and other petty offences were discontinued, and the number of arrests reduced from 31,736 in 1906 and 30,418 in 1907, when the old custom of making indiscriminate arrests was followed, to 10,085 in 1908, 6,018 in 1909, 7,185 in 1910, 9,516 in 1911, and finally to 7,774 in 1912. One police court with all its attachés has been done away with during this time.

The “Golden-Rule” Policy.

Chief Kohler’s idea is that we make criminals by indiscriminate arrests, by making men, women, and children familiar with vice and crime in police stations, and thus impair their self-respect. “The police have been instrumental in making criminals,” says Kohler. “We have discouraged men. We have driven young men and weak men to the haunts and association of habitual and expert criminals, who have taught them the ideals and the practices of crime. We have nourished, we have not prevented crime.”

Cleveland has followed the golden-rule policy of non-arrests for petty offences for seven years. The instructions given to the police captains and

lieutenants of the city on Christmas Day, 1907, when the new policy was inaugurated, were to stop arresting first offenders for misdemeanors. The police were to warn them and to tell them the law. If there was a disturbance on the streets or a neighborhood row, the police were to learn the cause and, if the trouble was trivial, send the men about their business. When they found a man drunk they were to send him home, and to take him home if he was too intoxicated to get there himself.

Under this policy it ceased to be a matter of credit to a policeman to make a great many arrests; what helps his record is the right kind of arrests, on competent evidence, and where conviction can be secured. The patrolman is given large discretion in the performance of his duties; he ceases to be a prosecutor and may become the friend of the supposed offender.

Corruption of the police has not followed the new policy. "Blackmail only exists," says Kohler, "when the law says one thing and the police permit its evasion. The way to put an end to blackmail on the part of the police is for the chief openly to take the community into his confidence."

The Control of Vice.

Vice, prostitution, and the saloon have been controlled by a similar policy of administrative as opposed to court action. Orders were issued by the mayor which the police were instructed to enforce. These orders were aimed at the artificial temptations and allurements which vice throws about itself.

Stalls in saloons were prohibited, as was the sale of liquor in brothels. No music was permitted in saloons except by special authority, which was refused if those in the neighborhood protested. Gambling places were forcibly entered and the paraphernalia destroyed on the spot. And where entrance could not be secured a patrolman was stationed in front of the place to take the name of every person who entered. The same procedure was adopted in the case of other objectionable places which refused to abide by the regulations laid down by the mayor.

But few arrests were made, for it was found that these offenders expected periodic fines and treated them as one of the expenses of the business. But under the executive orders the business was deprived of many of its allurements or was destroyed altogether. It was not claimed that vice or drinking was stopped. There is still the vice found in every large city, but it seems to be generally agreed that there is less of it in Cleveland than in other large cities.

New Ideals of Correctional Administration.

Cleveland's ideas of correctional administration do not stop with a humanized police administration. The city concerns itself with arrested offenders, and has a farm of 2,000 acres where drunkards, vagabonds, and petty offenders of various kinds are sent to be given a new chance. Of this experimental farm Doctor Harris R. Cooley, former director of charities and correction, said in 1908:

“We have no guards; we have no stockade; there is no one about the place who carries so much as a stick or a revolver. We trust these men, and because we trust them they respect the trust. . . . We used to lock these men up in the workhouse in the city. We put them at pulling brushes, a laborious and confining work. The men were weak enough when they came to us. They were dissipated, unstrung, and for various reasons unable to resist temptation. We kept them in the workhouse until they had worked out their sentence, and then turned them out in the street again. Of course, they drifted into the nearest saloon. Where else could they go? Confinement had weakened their will power and destroyed their physical health, so that their whole nature craved a stimulant. Often they were back to us within twenty-four hours. That was inevitable. They were less fit for work than when they came to us, and they were hardened by the treatment which the city had meted out to them.

“Instead of punishing these men by exacting tasks for which they are unsuited, we now put them on this beautiful farm. They live out of doors. They are working at something for which they are fitted. We have work here for a generation to come. We have a splendid quarry from which we can build miles of roads and the foundations of our buildings. The prisoner goes back to life again, able to meet the temptations which the city offers. And a very large percentage of these men never come back. But better even than that, we restore their respect and confidence in themselves.”

And Cleveland has gone still further and followed the discharged prisoner in an effort to find work

and a place for him again in the world. In its department of charities and correction the city created a "Brotherhood of Prisoners," the purpose of which, according to its own report, is

"To find opportunities for employment and furnish to released prisoners a comfortable home until they are able to pay their own way. . . . Under normal conditions of employment, the Brotherhood men themselves nearly pay its current expenses. They form a valuable employment bureau. They are on the lookout for jobs for other members. In seventeen months, during more prosperous times, these men, who by some are regarded as worthless, paid into the Home, for board and other expenses, more than ten thousand five hundred dollars which they earned by honest work in the shops and factories of Cleveland."

Vice Prevention.

All this is part of a larger policy of prevention which characterizes Cleveland's attitude toward the poor and unfortunate, a policy which grew up under the inspiration of Tom L. Johnson, Harris R. Cooley, and the present mayor, Newton D. Baker.

Wholesome opportunities for recreation for children as well as adults is recognized as better economy and better humanity than the arrest of offenders. So there are public baths, gymnasiums, band concerts, carnivals, school contests, organized recreation of various sorts in the parks; there are bathing beaches and open spaces without "Keep off the grass" signs. A juvenile court watches over the children and sends them, if they need protection,

to "Boyville," a farm colony for children where there are opportunities for work and play and which carries no suggestion of a prison.

It is probable that Cleveland has worked out the most comprehensive programme of human salvage, of vice prevention, and of humane administration of any city in America if not in the world. It is based on the assumption that the majority of offences in a great city are the product of bad environment and of poverty; that vice and crime are social rather than personal in origin; that society owes an obligation not only to the young but to the old, and that this obligation is inadequately met by punishment. The same policy was pursued by Golden Rule Jones and Brand Whitlock, the independent mayors of Toledo, not as a matter of expediency but of social justice.

Summary.

The protection of the community through the police, fire, and health departments has developed rapidly in recent years. These problems are recognized as social; they spring from the close living of people, the nature of industry, the contagion of vice, crime, and disease.

The American fire department is efficient. In recent years the health service has undergone great improvement. The police department has always been one of the most troublesome agencies of the American city. Recently public opinion has come to recognize that the evils of the police administration are largely institutional; they cannot be corrected by mere changes in administrative forms.

They can only be corrected by such reforms in our laws as will protect the police from constant temptation and corruption by interests seeking illegal privileges which the police are in a position to grant. These privileges are for the most part related to the saloon, gambling, and the social evil, which are regulated by State laws, toward which public opinion is either defiant or unsympathetic. This is particularly true of the State laws regulating the saloon, which are not approved by the large foreign-born population of our cities, accustomed in their native land to a liberal Sunday and the sale of intoxicating liquors.

Recent years have seen great progress in the development of probation and other correctional courts. The juvenile court is an American institution, as are the night courts and domestic courts of New York City. Cleveland has carried the policy of humane police administration further than any city in the world through a policy of diminishing the number of arrests of first and petty offenders, for the purpose of reducing needless contact with police courts and jails to a minimum. In addition, new ideals of correctional administration through a great city farm for petty offenders, a brotherhood of prisoners, and a children's farm colony have been developed.