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Control of Crime

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THE CONTROL OF CRIME.¹

ARTHUR WOODS.²

People are likely to jump to the conclusion that the control of crime rests solely with the police force. This is not the whole truth. The police force may do excellent work, and yet be hard put to it to control crime. In the first place, the District Attorney's office must prosecute the criminal. Theoretically, a policeman should never make an arrest unless he sees his way toward a conviction, yet after the arrest the matter is mostly out of his hands; the principal work towards conviction has to be done by the District Attorney's office. At times the office has been tremendously overworked. This tends to make them put cases through as fast as they can, as long as they can get convictions, and the practice grows of allowing a prisoner who has been arrested on a certain charge to plead guilty to a less charge—what is called accepting lower pleas.

This custom of accepting lower pleas is good in some cases. But too much of it is bad. If a man is arrested for burglary in the first degree, and you have the evidence to convict him of burglary in the first degree, the case should be fought through on those lines. He should be given the penalty prescribed by law for the offense of burglary in the first degree. Laws are simply the expression of public opinion as to what it will not tolerate, and the penalties prescribed for people who violate those laws indicate what public opinion believes should happen to those who defy it, who do not propose to abide by the rules that the great majority lay down. If a criminal commits a crime, he should be given the penalty that is specified by law as fitting that crime. It is not for us to say, it is not for prosecuting officers to say, whether the penalties are proper. They may be too severe; they may be too weak; that is not the question. As they stand on the pages of the Penal Code, those penalties are the expression of what has been deemed fitting for the crime. It is not a wholesome spectacle to see a criminal bargaining with the forces of law as to just what punishment is to be given him.

Perhaps a specific case will illustrate what I mean. A few years ago there were a good many complaints of safe-blowing on the East Side. Finally detectives located four professional safe blowers who were hanging around a saloon and who they believed were causing the trouble.

¹Read before the University Forum, N. Y. City, March, 1913.

²Formerly Deputy Police Commissioner in New York City.

The detectives followed them three or four weeks. They made no move that was not known to these detectives. Finally, one night, after all this work, the four men were arrested in a store on First avenue. The detectives got into the building, stumbled along a dark hall, and broke in the door. There was a mix-up, and finally the three detectives overcame the four thieves. When the thing was over and the lights turned on, it was found the door of the safe had been bored, and on the floor was a complete kit of burglars' tools. The crooks were caught red-handed. It was a clear case. When they were taken to police headquarters, two of them were found to be old-timers with previous convictions. These men, when arraigned in the Magistrates' Court, boasted that they had influence which would enable them to get off easy. The District Attorney's office was told about the boast, and was urged to consent to no mitigation of the penalty. The men could be convicted—no need to bargain with them. In spite of this, those two professional thieves were let off as if the crime had been a first offense. This meant they were given just half the sentence they otherwise would have been given, and it meant, incidentally, that the boast they had made had been verified.

Few persons realize how much this thing is talked about among thieves, and it tends to make monkeys of the police. If the machinery of law enforcement is strong, if the criminal suffers as the public has decreed he shall suffer, we shall have fewer criminals. If, however, it works feebly, criminals will increase in numbers and boldness. We may differ as to the fitness of penalties. But the law of the Penal Code is law. It must be in practice what it is on the pages of the book. If you see to it that your law means what it says, he will be a bold man that defies you.

Very much like this abuse of a good custom is the abuse of the habit of giving suspended sentences. If a convicted criminal turns out to be a first offender, has never committed any other crime, it is often a good plan to put him on probation, to let him off with a suspended sentence. If the hardened offender were habitually punished with something like the full penalty of the law, it would be wise to release the first offender on a suspended sentence. He would then feel that he had played with fire and had been scorched; he wouldn't want to take another chance; he would breathe deep, and go away a better and a wiser boy. If, on the other hand, old offenders are commonly let off with lower penalties than the law specifies and they deserve, the first offender, who gets off with a suspended sentence, is likely to feel, not that he was scorched and will not try it again; he is likely to feel that he defied the law in a small way and got away with it pretty well; that it is safe to try it again. If the state is strong, if the enforcement of law is strong, the state can

afford to take chances with the first offender and show mercy, but mercy is interpreted only as weakness unless it is clear that conviction is the ordinary consequence of crime. In the last analysis it should not be a matter of mercy at all. The point is, what is best for the welfare of society, of the great mass of law-abiding people? The professional outlaw we must put where he cannot do any harm, just as we cage an untamable beast. If we could reform him, it would be much better, but often we cannot. On the other hand, it is best for the interests of society to keep the first offender out of jail, to keep him away from the corrupting influences he might be up against there and to take the risk of future trouble for the sake of making a good citizen out of a man who, if you put him in jail, you might make into a thief. Too often it works the other way; the poor, hungry boy who steals an overcoat goes to jail, and the plausible, well-connected ex-convict draws good advice and freedom. It is up to the public. In the long run, we shall get about what we really want. If public opinion demands strictness in enforcing the law, it will come near getting it. When we are told that the police are lax we had better ask ourselves if the fault, after all, is not as much with public opinion as with the police.

Some of the laws which we frame, and which the police have to work under, are strangely inadequate to the situation. The law, for instance, that regulates the powers of the police to deal with professional criminals is weak. The police have no proper preventive power.

I remember a safe was blown and a good deal of money was stolen three or four years ago. Detectives who were well acquainted with professional thieves went round to the scene of the crime. They came back and said the crime had been committed, they thought, by "Hunchy" Williams, because he, when he worked at a job like that, got pretty nervous and smoked a lot of cigars, and there were a lot of cigar butts lying about the cracked safe. As a matter of fact, "Hunchy" Williams was located, and it was found he had blown that safe. That arrest was made because at that time the detectives were familiar with the old-time thieves, and the old-time thieves commit most of the serious crimes. If the police, under proper regulation by the magistrates, had the power to keep these professional thieves out of town, there would not be so many crimes to detect. Instead of having to spend as much time trying to find out who stole our property, we should not have so much of our property stolen. It seems to me we should not allow these old-timers to be in our midst, any more than we tolerate a leper, or a dangerous lunatic, or a wild animal. They defy what the majority of people have ordained. Why should they be allowed to roam around the town like ravening

wolves, seeking whom they may rob? Yet, the laws are such that the police are seriously hampered in their efforts to keep these people out.

It is, as I have said, true that the police are hampered in their efforts. Still, if the detective bureau is properly educated it can go far toward keeping the town tolerably clean of these professional thieves. You cannot, however, expect a detective to recognize the burglar who is on his way to break and enter your house unless he knows that burglar, and if you discontinue the functions that have been conducted for the purpose of introducing thieves to detectives you must not wonder if detectives do not know thieves. Professional thieves who are arrested should be shown to the whole detective bureau. The detectives should see them; should hear them speak; should be told their methods of work. That is what I mean by being introduced to them; that is the sort of thing that used to be done at the "morning line-up" of the detective bureau. This means that 400 or 500 detectives gradually get to know most of the thieves that come to New York. If a thief knows he is known by 500 New York detectives he will be likely to operate in some city where his acquaintance is not so extended.

At the time of the last fair in San Francisco, two detectives from New York were sent there at the request of the mayor of the city to help keep pickpockets out of town. One might wonder what two New York detectives could do in the whole city of San Francisco. The detectives were seen in Oakland before they got to the city, by one of our East Side pickpockets. The pickpocket threw up both hands: "Good Lord! You here! I'm going to beat it!" The word was passed around, and there were mighty few complaints of pickpockets during that fair.

The morning line-up is necessary for the prevention of crime. The full and complete use of photographs, under proper regulation, is necessary. If you allow these methods to be discontinued, if you fail to make full use of photographs and of all the modern methods of identification, the preventive power of the whole detective force is weakened and the community is robbed of perhaps the most powerful preventive against burglars, pickpockets and hold-up men. Shall the safety, the rights, of the immense majority of law-abiding men and women be sacrificed to a dilletante theory as to the sacredness of the forfeited rights of a few determined outlaws?

The police are also hampered in their work of controlling classes of criminals like Italian blackmailers, and like gun-fighters of the order of "Lefty" Louis. These people are medieval criminals. Our laws have been built up on the Anglo-Saxon tradition that it is better to let twenty guilty men escape than to convict one innocent man. That is our theory, and it works first-rate if it fits the community, if the community

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is, in the main, law-abiding, and if the aggrieved party who has suffered from the breaking of the law, will call to his aid the police powers of the state. That theory, however, and laws built up on that theory, will not work worth a cent if the aggrieved party takes the law into his own hands and refuses to help the police.

A robber baron of the middle ages, if robbed by another baron, girded up his loins, polished his helmet and battle axes, and betook himself to the other's castle, where he proceeded in his own good way to right his wrong. The same method of righting wrongs obtains to-day, or did obtain until lately, among cowboys on the western plains. That sort of thing works well, and is perhaps as good a method of law-enforcement as there is, if the whole community agrees. When the whole community, however, thinks that the proper method of enforcing law is to have special bodies of officers for that special purpose, it doesn't work at all to have little groups of men in their midst who refuse to play the game in the way society has said it must be played, and who insist upon small-sized border warfare among themselves. These men are festers in the body politic. They should be cut out; the body cannot endure such sores. If you expect the police to deal effectively with this sort of medieval criminal you should give him stronger powers than he has now.

The difficulty shows up clearly in connection with the enforcement of law against Italian criminals. It is important for an understanding of all this blackhand crime to realize that the enormous majority of the Italian community is law-abiding, is just as respectable and loyal as any other community, and that it is preyed upon by blackmailing parasites.

The judicial procedure in Italy is very different from what it is in this country. At a trial in Italy, the object is to have everything come out. If they can bait witness or defendant, so that they lose their tempers and talk back at each other, the theory is that the truth is apt to come out. They have none of our rules of evidence; they let everything come out, and the truth will out with the rest. The penalties that an Italian gets if convicted are very severe, and after being released from prison he is kept under the strictest sort of police surveillance for a long time. In contrast to this sort of thing, our whole procedure seems almost made to order for him. He does not understand our scrupulous Anglo-Saxon ideas of evidence. It looks to him as if for some strange, mystic reason we keep people from telling the truth. The truth does not come out, and he gets off. People whom he has outraged seem powerless to have him convicted, and he goes back at them with redoubled confidence and zeal. Therefore, they do not tell any more, but pay the price of blackmail.

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Still, hampered as we are, this Italian crime can be controlled. Further, blackmailing crime among Italians in this city was at one time very nearly brought to an end. The Italian squad under Petrosino, and later under Lieutenant Gloster and under Lieutenant Vachris in Brooklyn, did extraordinarily good work. It was helped by outside detectives, men always unknown to the regular detectives, who worked absolutely under cover, and who in most cases have been members of the Carabinieri in Italy. The Italian squad suffered under the handicap that its members very soon became known. It worked hard and got pretty close to the bottom of things, but we soon found that all roads led to Rome, and brave Petrosino, as loyal and faithful a man as ever was, was sent to Italy to work out the problems that could be solved only there. He was shot. On the next steamer that sailed from New York Vachris and Crowley went over to do the work that he was prevented from doing.

Since there is so much talk against newspapers and yellow press, it may be proper to state right here what the newspapers were asked to do and what they did, in connection with this mission of Vachris and Crowley to Italy. It was of supreme importance not to have it leak out that these men had gone to Italy. We were afraid if the newspapers found it out, that they might be killed in Italy. We wrote to the managing editor of every paper in the city, telling him exactly what had been done, asking him not to let it be published, and not to publish it in his paper, even if some other paper should happen to publish it. Every newspaper did exactly what we asked, and not a hint was published.

These two men did a first-class job in Italy. They were helped by the powerful and very practical co-operation of our Department of State, and they worked intimately with the Department of Justice at Rome, and the chief of the secret police. They came back, so I have been told, with a mass of documentary evidence, which, if properly used, would have gone far toward ending, for a time, our troubles with the black-hand. Why that evidence was not used is another story.

We have only now come to the police force problem. We have been considering some of the things which keep the police force from doing its best work; some of the things outside the force. Now, as to some of the things inside the police force, some of the matters of organization that keep it from being what it should be. The police force should be capably led; it should be big enough to cover the territory; it should be so organized that dishonest and inefficient work can be prevented, and faithful and honest work encouraged and rewarded.

I believe it is essential that the police commissioner should have a long term of office. Today he is a bird of passage. And usually he flies

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so fast that the men on the force have hardly time to determine his species. The policy of the force, when a new commissioner is given them, is to try to size him up—what kind of man he is—and, then to humor him as the occasion calls for. If he is a “hard one” they “lie low” and hope for better times. If they do not quite trust his good intentions, the honest men will be mighty careful and try to keep in the background. The active men will not be active. In fact, even if the police commissioner is able and honest, the wise policeman will not go too far towards serving the city under that commissioner. He will remember that at any moment the kaleidoscope may change, a new commissioner appear, and turn out to have different aims. To make it safe and worth while for a policeman to do good work you have got to assure him that he will be judged by a standard that continues for a long time. It is asked: What shall we do if we get a bad commissioner in office? In our efforts to file the teeth and dull the claws of a bad police commissioner we have blunted the powers for good of an able commissioner. If we want a police commissioner who can give good service to the city, we must clothe him with power, so that he can give this service. If the office has this power, and the official does not give the service expected, we shall know where to look, where the responsibility lies.

The size of the force should not be left to chance. A few years ago there was one post in this city twenty miles long. There were several other posts so far removed from station houses that a policeman could just about get to them when he had to turn around and go back. This sort of thing should not be made a matter of party politics or of chance; it should be worked out by experts and a law passed so that the size of the force will increase automatically with the population.

Is the force so organized that policemen are stimulated to do honest, efficient, active work? This is the question; why should they work hard, hunt for trouble? What is the reward? Policemen are like the rest of us; we often forget that. They work hard if they are afraid of getting into trouble for not working; if they take pride in their job, if they will be rewarded for hard work. A policeman wants promotion. There is no way under Heaven, as the thing is constituted today, in which a police commissioner can reward a patrolman for good, honest work. In our investigation of the white slave traffic we found two patrolmen who were proof against bribes. There may have been more; I do not say there were not, but we did not happen to find them. We did find two. There was nothing the police commissioner could do to reward those two men, or to give the city the benefit of having them in positions of responsibility.

Promotion in the police force today is in the hands of the civil

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service commission. Three elements enter into it; the length of time a man has been on the force, his record, and a written examination. Promoting a man because he has been on the force a little longer than some other man is absurd on the face of it. He may be better fitted for higher rank or may not. It depends on the man. You might almost say that the man who has been longer on the force is less fitted for higher rank, as he has had more chances to go up, and yet has stayed down.

The second point is the man's record. Nothing appears on the record against a man, but fines that have been inflicted on him as a result of trial at headquarters, and so many fines are inflicted on good men, perhaps they have been over-zealous, because they have made themselves a bit obnoxious by working too hard, obnoxious to their superior officers, or to their superior officers' friends; so many fines are not inflicted on men upon whom they should be inflicted, that this is a dangerous test to rely on.

In a man's favor the only thing on his record that can count are deeds of physical bravery. A former assemblyman of the city of New York, who was once a policeman, stated at a public hearing in Albany, that practically every man on the police force has physical courage, but that very few have moral courage. Physical courage is a splendid thing on a police force, but it is the commonest virtue that policemen have. Yet it is the only virtue, the exhibition of which will help toward promotion. It is an accidental thing, too. Many of the bravest men never have a chance to jump overboard and rescue a drowning man. If they do jump overboard perhaps there are no witnesses there, so they cannot prove they are heroes. Sometimes there are witnesses all right, but careful investigation eliminates the drowning man. Painstaking, conscientious, diligent work in patrolling the street in front of your house, in keeping gangs of rowdies away from your neighborhood, in being courteous, ready to answer questions, well informed, quick to discover a fire by his alertness, and therefore ringing in the alarm before serious trouble can happen; no one of these qualities can help a policeman one jot toward promotion.

The third element in the promotion is the arbitrary test of an examination. The examinations, as they have been conducted during the past few years in New York, are probably as good as they can be. They are honest and impartial. But no written examination can tell whether one patrolman is better fitted than another to be a sergeant. What will tell that, is the patrolman's work. You can tell by the way he has worked as a patrolman whether he is well fitted for higher rank. For appointment to the force, Civil Service tests are excellent; for promo-

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tion, the whole story is different. A policeman must very quickly get the idea, if he is intelligent, that as far as promotion goes, the thing for him to do is to keep out of trouble, take things easy and when the examinations come, study up for them.

In theory, if the police department is as good as it should be, it will drive the detective bureau out of business. The job of the police is to prevent crime. If crime is prevented there will not be any crime for the detective bureau to detect. But this is only theory; there is still plenty of work for detectives.

Broadly speaking, there are two different principles in detective work. The good old way amounted to an alliance between detectives and criminals. Everyone has heard of the dead line. No crime was supposed to be committed south of Fulton street. What happened north of Fulton street is not touched upon in the story. Criminals were allowed to do a moderate amount of stealing under certain conditions and in certain places. The story is told of a man who lost a watch on Brooklyn bridge. He had a friend who knew the inspector in charge of the detective bureau, so the inspector told a detective to look for the watch. The man who lost the watch came around next day. The detective came in looking a little bit sheepish and disappointed, and said "Inspector, there must be some mistake. I have examined all the watches that were taken on Brooklyn bridge that morning. This was not among them."

People look at things a little differently now-a-days. We object to licensing crime. We are shocked when we find that officers of the law are in league with breakers of the law. What set the community on fire when Rosenthal was murdered was not that a gambler had been murdered. It was that an officer of the law had been concerned in the murder. If we allow detective work to go on in the good old ways, we must countenance understandings between officers of the law and out-laws. The connection that exists today between policemen and keepers of gambling houses and houses of prostitution used to exist in about the same way between detectives and burglars and pickpockets. This connection, however, is slight compared with what it used to be. The reasons are two-fold. First, detectives have found that, if the commissioner is the right kind, they get the higher pay that goes with first grade only by good detective work. Secondly, with the introduction of scientific methods in detective work, and with the rivalry that developed in the bureau, thieves found out that detectives could not make good. Promises of immunity did not go. One detective working along entirely different lines, would arrest another detective's stool. He found him committing crime. Such a catastrophe was unheard of in the old days. There was honor among thieves then!

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No, we do not want the old days. But let us not live in a fool's paradise. We shall lapse into these old ways in a moment if the morale of the Detective Bureau is not kept high. If the men find that the way to preferment is anything except skilful, tireless detective work, they will forsake detective work for the plan that works. If you note among the first grade detectives, men who have earned the rank by hard, plugging work in the bureau as detectives, in competition with other detectives, you can be pretty sure that something is wrong. The commissioner has broad powers; if the bureau is not effective, he is responsible. If things are wrong, you know where to place the blame.

If the old, dishonest methods of detective work are given up, what shall take their place? The first thing is the new life that has come because of competition. Preventive work, keeping thieves out of town, is the best possible thing. One of the best pickpockets in the country, a westerner, could not be induced by his pals to come to New York a few years ago, because he could not "make any connection." Then, with the destruction of the partnership of police and crook, there will not be so much crime to detect. In the spring of 1907, there were a lot of complaints of pocket picking on one of the cross-town lines. When the new Detective Bill was enacted, the detective-sergeants whose job it was to keep the line clean of pickpockets were sent back to do desk duty in the uniformed force, and complaints of pocket picking ceased. Modern methods of criminal investigation and identification make the detective who has to depend upon his own brains and diligence, a much more capable man than he used to be. And certain forms of stool-pigeon work are legitimate. It is simply another form of private detective work. A man is hired to get information about crooks, and is paid for it. He may not be a wholly estimable person, but if he gives information that enables you to apprehend burglars, and if you give him in return cash payment—no immunity—it is a legitimate form of detective work. It is expensive, however, since the city has to pay the bill instead of the fellow the stool-pigeon was allowed to rob; and it is risky for the morale of the force.

The police detectives have done much splendid work. Their job is dangerous and nerve-racking, and goes on night and day. And many obscure problems have been brilliantly solved by them. No force of outside detectives could begin to take their place. They quickly become known, however, and they can be recruited only from the police force.

To overcome these defects it is essential, for proper detective results, that the regular force be supplemented by civilian detectives, to be hired at his discretion by the commissioner, and to be known only to him or to persons designated by him. To guard against abuses the ac-

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counts should be passed on by the mayor and the comptroller. These men would need to be comparatively few in number. They would be under cover, and would supplement the efforts of the police detectives, strengthening their work as nothing else can strengthen it. In this way the city would have the services of a well-rounded detective force.

So far as the police force goes, then, the changes necessary in order to keep crime under control are not radical. An open, business administration, the promise of promotion for faithful service, the banishing of political influence, a consistent and continuing policy on the part of the police commissioner of rewarding efficiency and honesty and of not tolerating inefficiency and dishonesty—these self-evident methods, if they could sink into the minds of the men of the department, as being the actual condition, would bring about the situation.