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## EUROPEAN POLICE SYSTEMS.

RAYMOND B. FOSDICK.<sup>1</sup>

In 1913, at the invitation of the Bureau of Social Hygiene, the writer undertook an investigation of municipal police arrangements in Europe. While the Bureau of Social Hygiene is primarily concerned with the problem of commercialized vice, it was felt by the directors that this phenomenon is so intimately connected with the whole question of police organization and method that intelligent suggestions regarding its control must be based upon a thorough understanding of the factors which contribute to an efficient police force. It was felt, too, that quite apart from the relations of the police to prostitution, a study of the methods by which Europe handles her police problems would be of large benefit in the inevitable reshaping of the police departments of America. On this errand, therefore, the writer spent nearly a year in Europe. The cities visited included London, Liverpool, Manchester, Birmingham, Glasgow, Edinburgh, Paris, Lyons, Berlin, Hamburg, Bremen, Dresden, Munich, Stuttgart, Cologne, Vienna, Budapest, Rome, Brussels, Amsterdam and Rotterdam.<sup>2</sup>

An exhaustive review of police arrangements in the cities visited is, in an article of this length, obviously impossible. Attention can only be called to certain outstanding characteristics. An American student is naturally impressed by the wide variety of conceptions which prevail in regard to the relation of the police and the public. In no two countries are these conceptions exactly the same. In Great Britain the police are the servants of the community. Their official existence would be impossible if their acts persistently ran counter to the expressed wishes of the people. They depend for their effectiveness

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<sup>1</sup> Formerly Commissioner of Accounts, City of New York.

<sup>2</sup> A report of the investigation has just been published in book form: *European Police Systems*, by Raymond B. Fosdick, New York. The Century Company.

upon public sanction. They are civil employees, whose primary duty is the preservation of public security. In the execution of this duty they have no powers not possessed by any other citizens. A policeman has no right superior to that of a private person in making arrests or asking questions or compelling the attendance of witnesses. Further, he must suffer the consequences of any illegal action he may commit, and he cannot divest himself of responsibility by pleading the orders of his superior officer, if those orders happen to be illegal. In the language of Sir James Stephen; "With a few exceptions a policeman is a person paid to perform, as a matter of duty, acts which, if he be so minded, he might have done voluntarily."

In sharp contrast is the Continental theory, which, evolved from the necessities of autocratic government, makes of the police force the strong arm of the ruling classes. The Continental policeman is the servant of the Crown or the higher authorities; the people have no share in his duties, nor, indeed, any connection with them. He possesses powers greatly exceeding those of the citizen. Under ordinary circumstances he cannot be prosecuted for illegal action unless permission is obtained from the government, and even then he enjoys the circumstances he cannot be prosecuted for illegal action unless permission is obtained from the government, and even then he enjoys the privilege of special laws administered by special courts regulating the relations of public officials to private citizens. Where, in England, the constable may ask no question of those whom he arrests or is about to arrest, criminal procedure on the Continent is based on the interrogatory system, and the police of Germany, Austria, Italy and France are allowed to resort to what are popularly known as "third degree" methods in their endeavor to wring a confession of guilt from those whom they accuse.

In Germany, where a distinction is made between arrest and detention (*Verhaftung and Festnahme*), men may be taken to police stations, questioned and even detained for twenty-four hours, although there is no charge against them and no reasonable ground for suspicion. Moreover, the right of search, restricted by stringent provisions in England and used only in exceptional circumstances under judicial direction, is, in Germany and Austria, much more freely employed, its use resting in many cases solely upon police discretion. Similarly, the police in Germany and Austria and to a somewhat limited extent in France and Italy are given power to restrict freedom of discussion and the right of public meeting to an extent unheard of in England.

In other words, the different ideas as to the powers of the police and their relations to the public arise from different constitutional conceptions. The great safeguards to personal liberty established in England by Magna Charta and the Bill of Rights and sustained by centuries of judicial interpretation are almost entirely lacking on the Continent. While the constitutional struggles of the last hundred years in Germany and Austria have not left police powers entirely unaltered, it is scarcely an exaggeration to say that in spirit and procedure they still represent the Continental absolutism of the 18th century.

Equally striking is the difference in respect to the scope or extent of police functions—the number of things that the police are charged to look after. Police duties in England are today confined roughly to three tasks: first, the maintenance of order; second, the pursuit of criminals; third, the regulation of traffic. These duties are interrelated; together they form a unified policy whose objective point is public security, and the police are, generally speaking, concerned with nothing else.

In Germany, on the other hand, and to a large extent in Austria and France, police functions far transcend this somewhat restricted scope. In these countries there is hardly a governmental activity that is not more or less directly connected with the police. Indeed, in Germany the police force cannot be said to constitute a sharply defined independent authority within the internal administration. Thus in Prussia there are Insurance Police, Mining Police, Water and Dike Police, Field and Forest Police, Cattle-Disease Police, Hunting Police, Fisheries Police, Trade Police, Fire Police, Political Police, Roads Police, Health Police, Building Police and a score of others. To be sure many of these divisions represent state functions and are responsible to state officials. But even the municipal police departments are hardly less complex in the variety of their duties. In all the cities of Germany and Austria, and to a large extent in the French cities, the police are engaged in many tasks which in England and Scotland are performed by various branches of the municipal government, if indeed they are performed at all. Of the twelve distinct divisions (*Abteilungen*) into which the Berlin police department is separated, only two, the uniformed force (*Schutzmannschaft*) and the detective force (*Kriminal-Abteilung*) deal with functions which are handled by the police departments of English and Scottish cities. The other divisions are engaged in work which, according to the

English standard, does not properly belong to police duty. Thus in Berlin, the fire department, the health department, the prison department, the building department (including the condemnation of land for public purposes) and certain functions of the charity department are all branches of the huge police organization. The police supervise the markets and the sale of provisions; they pass on the quality of food-stuffs; they exercise an oversight of public assemblies and meetings; they abate nuisances; they inspect lodging houses, cafes and places of amusement; they supervise druggists, veterinaries and the details of various professions; they prepare construction plans for street and river-front improvement; they keep a strict watch on certain classes of banking institutions; they frame regulations for the public conduct of citizens and mete out punishment for violations. A simple list of their functions covers forty-six pages of the official police hand-book. Many of the functions have no counterpart in any governmental function of Great Britain, as, for instance, the compulsory registration of all citizens and strangers (*Meldewesen*), and the minute regulation of various kinds of private business (*Gewerbepolizei*).

Despite these wide discrepancies in the powers and functions of the police, there is in all the countries of Europe a surprising agreement as to what is absolutely fundamental in police organization. In the first place, the head of a European police force is a trained and experienced man. He is an expert in his line. Indeed, European police administration is a distinct profession, for which men are specially trained. It is seldom that a man is chosen from an unrelated line of activity to be the head of the police department. The Chief of the department—the president, the commissioner, the director, the prefect, whatever his title—is generally a jurist trained in government work. In the minds of European authorities military experience is not the *sine qua non* of police management; of itself it does not constitute a sufficient guarantee of effectiveness or intelligence in supervising the complex and extensive affairs of a police department. So, too, a man who has made a record as an efficient engineer, or who has established a reputation as a physician or health expert, is not necessarily equipped for the task. A police head must be specially trained for his work. Ordinarily, the man whom the Continental authorities select as commissioner has served his apprenticeship either as an assistant in the same department, or as a commissioner in a less important city, or as an official in another governmental branch.

In the second place, the head of the police force is clothed with large powers. Perhaps the most striking fact in connection with the European police chief is not only the absence of checks and balances by which a possible abuse of power may be curbed or minimized, but the sustained faith of the people that power will be wisely employed. The attitude of a European city towards its police chief is one of trust. When, after careful selection, it chooses a man to head its police force, it endows him with ample authority and expects him to use it wisely. Only in a few of the provincial cities of England, in the Dutch cities, and in the smaller municipalities of Germany, is there any disposition to tie the hands of the chief, or to prevent his exercising free and almost unrestricted control over the men who constitute the uniformed force. Thus, in London, the commissioner is the final and absolute authority on all matters of discipline, and while occasional endeavors are made to secure from the Home Secretary a reversal of the Commissioner's decisions, such attempts have invariably proved fruitless. The Commissioner may levy fines, make reductions in rank or in rate of pay, or dismiss uniformed members of his force, and no court, tribunal or other external body, has power to review his action. This is true in nearly every large city of Europe.

On no other basis can the integrity and efficiency of a police force be permanently maintained. "*Choose the head of your force with scrupulous care; clothe him with full power; make him responsible.*" This maxim was repeated by officials all over Europe. A commissioner who is not free to take direct action when reasonable suspicion falls on particular policemen cannot be held ultimately responsible for evil conditions in his force. In so far as the European authorities have recognized this fact—and the recognition has been all but universal—they have placed their fingers upon the main key to the situation.

Europe insists also upon a thoroughly trained policeman in the rank and file of her force. The training school is one of the important activities of every well organized police department in England and on the Continent. Some of the schools are elaborate organizations, with separately constructed buildings and complete equipment. London's course lasts for eight weeks; Manchester's for three months. The term of the Paris school is four months; Berlin's, five weeks; Dresden's, six weeks. The course in Hamburg extends over two periods of six weeks each, separated by practical service on the streets for a term of six weeks. Vienna's school term extends over an entire

year. The *Carabinieri* and City Guards of Italy have six months' training. In no city of size or importance is a recruit allowed to don a uniform and do active police work without a thorough knowledge of the practical and theoretical aspects of his duty. A very important distinction in principle exists between England and the Continent in the source of recruits for the police departments. English policemen are taken largely from agricultural pursuits. In London only a small proportion of the men, approximately twenty per cent., comes from the city itself. There are two reasons for this. In the first place London, in common with other cities and towns of Great Britain, does not care to have on her force policemen with local ties and connections. Probably one-fourth of the municipalities of England refuse to permit men to join the constabulary who for any length of time have lived in their cities. In the second place, the police officials of England entertain serious doubts as to the serviceability of city-bred men in the force. "They know too much," said the head of the Police Training School of London. "You have to knock so much out of their heads before you can begin their training." The London "Bobby" is for the most part recruited from country districts. Miners, chauffeurs, plumbers and clerks are taken, but farmers are preferred.

The Continental policemen, on the other hand, almost without exception are taken directly from the army, where they have served as soldiers in the ranks. In Berlin the men must have served nine years in the army and have reached the grade of *Unteroffizier*. Hamburg and Dresden demand a minimum of six years; Stuttgart, five years; Budapest, three years. In Paris a candidate for admission to the police force must have reached the grade of *sous-officer* in the army.

Army training for policemen has a result which goes to the heart of the distinction between English and Continental police conditions. With the rank and file of a police force recruited from non-commissioned officers who have spent six to twelve years in the army, a certain degree of indifference to the general public tends to develop. The German policeman is apt to lose sight of his function as a protector and guide, and to treat the citizens as he was accustomed to treat the awkward squads of raw recruits whom it was his duty to knock into shape during his career as an *Unteroffizier* in the army. Although the official orders make frequent reference to the necessity for courtesy and kindness in dealing with the public, the German

police, particularly in the larger cities, are at times unsympathetic, even harsh. Traffic is handled in Berlin by dint of much shouting and some verbal abuse. A citizen who inadvertently, perhaps, disobeys a rule of the road is apt to be made the object of an impassioned denunciation audible for half a block. A German policeman on patrol is armed as if for war. At night a Berlin *Schutzmann*, in addition to his heavy short-sword, carries an automatic pistol strapped outside his coat, while the Dresden patrolmen carry swords, pistols and brass knuckles. Nor are these weapons merely ornamental. The writer has himself seen more than one poor wretch bleeding from saber cuts brought into a Berlin police station for a misdemeanor.

The English policeman, on the other hand, from the time he enters the force, is persistently drilled to treat the public with courtesy and patience. The calm, undisturbed attitude of the London constable, sometimes under circumstances of the most irritating and provoking nature, has become proverbial. The writer saw a large squad of them standing unmoved and apparently unobservant, when well-aimed stones were being hurled at them by a group of strikers. When ordered to charge they did so, calmly and deliberately. Scorning to use their truncheons, they rolled up their rubber ponchos and with these weapons beat back their assailants. The disorder was effectually quelled and nobody hurt. A similar situation in Berlin would have meant bloodshed and perhaps loss of life. Similarly, the London "Bobbys" handled with the greatest good nature and gentleness the numerous crowds of violently disposed suffragettes. "Now, lady," one of them was heard to say, as he picked his battered helmet from the ground, "I don't want to make you any trouble, but if you do that again I shall be obliged to take you into custody." Had the dignity of a Berlin *Schutzmann* been thus ruffled, one hesitates to think what might have happened to the assailant. "I am seventeen years on the force," a London "Bobby" told the writer, "and never once have drawn my club." This remark reflects the prevailing spirit of the force.

One of the interesting facts developed by the investigation is the astonishingly low salaries which the European policemen receive. The salary of a London constable can never exceed \$436 a year. Indeed, the average maximum wage of European policemen is \$464 a year. Hamburg pays the highest salary for her patrolmen, which is \$666 a year. In estimating the apparent inadequacy of these wages, there are several factors which must be considered. In the first place,

each policeman, at the completion of a fixed period of definite service, is assured of a pension which in part at least will relieve the anxieties of his declining years. In the second place, it must be remembered that the cost of living in European cities, particularly on the Continent, is comparatively moderate, in no way approaching that of the cities of the New World. A salary that would be totally inadequate in New York, San Francisco or Rio Janeiro, would not necessarily be so in London, Berlin, or Madrid. Not only is the cost of living lower in Europe, but the standard of living is lower. The stratified organization of European society, involving the fixed position of those classes which contribute the recruits to the police departments, produces a type, which, because opportunities for great advancement are closed, is contented with far less in the way of comfort and convenience than would be the case in a less rigid social order, where all may compete more or less freely for great prizes.

The low salaries of the European police are further offset by the painstaking provision which is made by the authorities to enable their men to live economically and with a fair degree of comfort. In London, approximately 4,500 unmarried men are housed in regular police barracks, called section houses, of which there are twenty-eight. These houses are equipped with such conveniences as billiard and lounging rooms, libraries, locker rooms and baths. Each man has his separate cubicle or sleeping apartment, neatly and often attractively arranged with a writing table, a clothes press and other appropriate furniture. Breakfasts and teas he prepares for himself in the section house kitchen; dinners are served on the club plan. Each section house has its "canteen," where bread, biscuits, and other food stuffs, together with ale, beer and stout, can be had approximately at cost. The expenses of the house, including the cleaning, are averaged weekly among the men and amount approximately to \$1.75 for each individual. Married constables are generally given a lodging allowance of from 36 to 62 cents a week, according to the district in which they live.

But even with the efforts which are made in many cities to furnish the policemen with living conveniences at moderate cost, it cannot be denied that the salaries paid them are, in many instances, too low. In Rome, for example, \$230 a year is not a living wage for a man with a family. The same remark is applicable to other cities. The recent police demonstration in London over the question of salaries and the recurring attempts to "unionize" the force find substantial basis in a real need. The willingness of the police in many English and Continental cities to accept tips from the public

is ascribable in part at least to the fact that they are underpaid. Even the rugged London constable is not free from the habit. Indeed, it is seldom that one finds a "Bobby" who will not gratefully receive a small recompense for a favor. I have seen one of them, upon the receipt of a sixpence, run half a block to call a cab. This condition, of course, is not entirely due to low wages. It is due as much to social custom. In a country like Austria, where one must tip the street-car conductor and the shop-keeper, the sales-girl and the bank-clerk, where many hands are outstretched for a bit of silver, it is not surprising that the police should expect their proportionate share. But a niggardly policy such as is practised in many cities puts too great a strain upon the ability of the average policeman to withstand the temptation from which, more than most governmental employes, he should be specially shielded. Sooner or later, European cities will have to face this situation. Hamburg and Stockholm have led the way with some substantial increases. London, Glasgow and the English cities generally, together with Paris, Berlin and all the other Continental municipalities, cannot long afford to lag behind.

Europe has succeeded in doing what most American municipalities have failed to do—she has divorced police administration from politics. Except in the smaller provincial towns of England and Germany, politics plays no part whatever in the police arrangements. This is due in part, of course, to the fact that the police departments, particularly in the larger cities, are under the control of the state rather than the municipality. Thus, in London, Berlin, Vienna, Rome, Budapest, Madrid and Lisbon the head commissioners are appointed by the Crown and are responsible to the Ministry of the Interior or the Home Secretary. The citizens of London, for example, are practically voiceless in the management of their police. No machinery exists by which the police can be popularly controlled or the preference of the people in respect to them effectively expressed. This situation has favorable as well as unfavorable aspects. The policy and discipline of the police cannot be upset as an incidental consequence of the determination of political issues. The police department cannot be made the spoils of any party. Moreover, the very aloofness of the force from popular control closes the doors to petty favoritism and small politics. Political campaigns come and go; newspaper crusades against the police rise and fall; the personnel of municipal councils shifts a dozen times on every changing issue; but the efficiency of the police remains undisturbed.

Similarly, in Germany state control is effective in eliminating personal interests and party politics, too often found in connection

with the local management of municipal forces. In a police force whose president or commissioner is appointed by the Crown upon the recommendation of the Minister of the Interior, whose discipline is subject to the approval of no external body, whose policy is divorced from political principles and movements, whose efficiency is unrelated to the success or failure of any political party, there is neither opportunity nor occasion for the introduction of sinister influences. On the other hand, in a locally controlled police force where the commissioner is responsible to a popularly elected council, where the police policy is determined by majority vote, and where the disciplinary measures of the department are subject to the consideration and approval of the town fathers, personal interests and party politics generally succeed in making themselves felt.

So successful has state control of police forces proved itself in Europe, that there has been a distinct trend in that direction in recent years. Within the last decade four cities of Germany, one of France, two of Austria and ten of Hungary have deliberately handed over their local police departments to the jurisdiction of the state, and in at least three of these countries strong public opinion is developing in favor of centralized control.

This fact must be interpreted with considerable caution. In each of the countries just named, the change involved a transfer of authority from a municipal government under popular control to a bureau or department in no way responsible to the public affected. In other words, it was a deliberate substitution of autocratic control for a more or less democratic control. It was done with the direct intention of eliminating the element of popular control. It was based on the idea that public opinion is too fickle and unstable, and the influence of party politics and local interests too strong to admit of an efficient democratic control of a police force. Those, therefore, who would seek in this Continental precedent an example for America are bound to be misled. In America power rests ultimately with the people, and there is no fixed authority to which the police system can be handed over. To transfer a police force from one elected body of officials in a municipality to another elected body in the state is not to eliminate the element of popular control. In other words, the intention of the Continental cities in shifting from municipal supervision to state supervision could not be realized in a country organized on a thoroughly democratic basis.

An American student cannot escape the conclusion that the European police department is an excellent piece of machinery. To its construction a high order of creative intelligence has been devoted;

in its operation an equally high order of intelligence is constantly employed. In the last resort, the police problems of a modern city make large demands upon intelligence, and Europe has succeeded in formulating its police problems, because, discarding all inferior persons and agencies, it has utilized in this work the best minds obtainable. Moreover, the rank and file of the European police forces are selected with the same care and attention shown in the case of their superior officers. Indeed, in all grades the character of the personnel is the essential, constant factor of efficiency. On this and on no other basis is it possible to secure an effective organization. It is true that other features can produce better conditions, but without these fundamental, human values there can be no real or permanent efficiency.