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OMNICOMPETENCE AND OMNIBUS CRIME CONTROL: THE POLICEMAN AS SPECIALIST*

GEORGE V. HIGGINS

George V. Higgins is Deputy Assistant Attorney General, Organized Crime Section, Massachusetts Department of the Attorney General where he serves as a prosecutor. For the better part of eighteen months he has been presenting evidence to grand juries and trying cases involving organized crime. Mr. Higgins served for a number of years as a reporter for the Providence Journal, and a correspondent for the Associated Press prior to attending law school at Boston College. He is a coauthor of *Organized Crime in Massachusetts, Topic VI* of the 1968 Tufts Assembly on Massachusetts Government.—EDITOR.

John D. Butler is a Detective Lieutenant in the Massachusetts State Police, a man of wit, experience and sagacity. He entertains some reservations about sending cops to college, and he puts his views succinctly:

"College does something to a man. When he comes out he doesn't like fighting with drunks. He's too fine for it. So he doesn't stay around long in a job where he has to do it. The only way you're going to be able to keep the cop after he goes to college is by finding some way to get him started on the force without spending two or three years giving out traffic tickets and fighting with drunks."

Robert Sheehan is Acting Dean of the College of Criminal Justice at Northeastern University. He is president of the International Association of Police Professors, and a former Assistant Professor at the School of Police Administration and Public Safety at Michigan State University. In a paper entitled "Police Education and Training," prepared for the 1968 Tufts University Assembly on Massachusetts Government, he had this to say:

Police work is far too complex not to rely on the resources of the entire college community if the job is to be done right. The policeman of today and tomorrow needs a strong liberal arts education, fused with highly specialized education, if he is to achieve an identity as a professional person (which is very important both to him and to society) and if his role, in the sociological sense, is to change appreciably, as it must, to meet the needs of a changing world.¹

* The views here expressed as those of the author, and do not constitute a statement of the views of the Department of the Attorney General.

¹ Sheehan, Robert. "Police Education and Training," *Topic IV*, 1968 Tufts Assembly on Massachusetts Government. Medford, Mass. p. 8.

The Task Force on the Police of the President's Commission of Law Enforcement and Administration of Justice in its 1967 *Report, The Police*, delivered this observation:

There is need for educated police officers. Certainly, a liberal education should be a prerequisite for those police officers who aspire to positions of leadership in the police service. . . .

While current police training programs are better than what has existed in the past, they nevertheless continue to be a somewhat fragmented, sporadic, and rather inadequate response to the training needs of the field in a day when police are confronted with some of the most perplexing social and behavioral problems we have ever known.²

Congress passed the Omnibus Crime Control and Safe Streets Act in June of 1968, with the explicit intention "[t]o prevent crime and to insure the greater safety of the people" by "strengthening and improving law enforcement at every level by national assistance."³ Establishing "within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration," the Act authorizes that Administration to make grants to the States for, among many other things, "[t]he recruiting of law enforcement personnel and the training of personnel in law enforcement."⁴ The Act specifi-

² Task Force on the Police, The President's Commission on Law Enforcement and Administration of Justice. *Task Force Report: The Police*. Washington, 1967. pp. 36-37.

³ Omnibus Crime Control and Safe Streets Act of 1968 (hereinafter Omnibus Crime Control Act). Tit. I, "Declarations and Purpose." 82 Stat. 197., —, 7 U.S. Code Cong. & Ad. News 1495 (1968).

⁴ *Id.*, Tit. I, C, § 301(b) (2), 82 Stat. 197, at —, 7 U.S. Code Cong. & Ad. News, at 1497.

cally provides that "the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement."⁵

This is not an exhaustive review of recent reflections—expressed or implied—on the general condition of police work in this Republic. Still it remains a representative sampling. There is common agreement that police work must be improved. There is the concomitant understanding that the need for improvement is urgent. There is a consensus that the most urgent, specific need is for the sophistication of police methods, and this carries with it the postulate that policemen themselves must be commensurately sophisticated. Finally, there is general acceptance of the fact that the policeman, once sophisticated, may not for long remain a cop.⁶

For the law enforcement administrator, these conclusions in turn reduce to two practical questions:

First, if police work is to be upgraded by upgrading the personnel performing it, what are the best methods to this end? The customary answer befits a nation of people descended from immigrants: academic education, and plenty of it.

Second, how can the community stabilize the benefits thereby obtained? Here the answer is not so ready, and a makeshift reliance upon economic sanctions is proffered as a means of aborting the problem.

The coincidence of these views and circumstances—the activist determination, discovered

⁵ *Id.*, Tit. I, D., § 406(a), 82 Stat. 197, at —, 7 U.S. Code Cong. & Ad. News, at 1503.

⁶ It is this which accounts for the penal provision of the education section of the Omnibus Crime Control Act:

Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.
Ibid.

It seems fair to characterize this as more effective as a concession that the problem exists, than as a means to its correction, inasmuch as the usual reason for leaving will be a more attractive position elsewhere, likely to furnish directly or indirectly the money to pay for the training.

after long slumber, to do something enormous and do it at once, and the simultaneous passive disinclination to meet squarely foreseeable, counterproductive forces—connotes a good deal about American law enforcement scholarship.

Fifteen years ago Prof. Jerome Hall of the Indiana Law School examined the national understanding of the nature and needs of professional police work and found that understanding defective. He described it as governed by a "basic American fallacy" which operated to absolve the citizenry entirely of responsibility for the enforcement of the laws.⁷ He asserted further that this comfortable ignorance functioned efficiently to frustrate improvement of law enforcement, by short-circuiting campaigns to give police work the attention it deserves.

Since 1953, it seems fair to say, this community inattention has been severely tried. The specific gravity of the "law and order" issue in the 1968 Presidential campaign indicates that the populace has at least mustered some concern for the improvement of police services, however misguided its choice of recipients for complaints. This is the product of the civil rights movement. It may not have been precisely what the late Rev. Martin Luther King had in mind when he set out, but there it is.

One result of this new, if somewhat frenetic, interest in police work has been intensified scholarship. Most of that scholarship has been descriptive, concentrating upon the collection of data about what police do, and who they are.⁸ Its usefulness is apparent.

But it does not suffice as a panacea for problems attendant upon the planning of law enforcement work. Repair of the deficiency of knowledge of what police do means only that we are now somewhat better equipped to meet the next questions: what it is that we want them to do, and how they ought to go about it.

Those questions now press upon society with some semblance of emergency. Paradoxically, that urgency is the product of the accelerated development, expeditiously accomplished however tardy its inception, of descriptive scholarship. The Omnibus Crime Control Act, allocating millions to

⁷ HALL, JEROME. *Police and Racial Tensions*. 28 IND. L.J. 133, 135 (1953).

⁸ See generally, *Task Force Report: The Police*, *supra*, at n. 2; also NIEDERHOFFER, ARTHUR. *BEHIND THE SHIELD*. Garden City, N.Y. 1967.

fund police training and education programs,⁹ is a manifest response to the community's sudden recognition that law enforcement is not what it should be. But as yet that "should be" has been imperfectly articulated, if at all. Society thus arms itself with serious money set aside for the correction of perceptible shortcomings in police work, while lacking a coherent vision of the form which the desired improvements ought to take.

Symptomatic is the Act itself. Quite properly, it allows for necessary flexibility in the deployment of training resources and funds by specifying only that the money is to be spent for study "in an area related to law enforcement or an area suitable for persons employed by law enforcement."¹⁰ But this covers a lot of ground, and since even the \$50 million provided for the initial year of the program is a finite sum, the question of priorities effectually left unanswered must be met by the administrators of the funds.

Possibly, just possibly, this may represent a millennial opportunity for American law enforcement. For it invites the formulation of a theoretical approach to police work thusfar ignored. Then again, it may portend further deterioration of police service, brought about by failure to coordinate the application of available resources with the actual law enforcement problems uncovered by descriptive research. It may be that this question of police theory has been raised before we are equipped to answer it, and that nothing will come of this but newer—and still unsatisfactory—homilies drafted to inspire college graduates to devote their working hours to fighting with drunks.

II

The customary impetus for proponents of sophisticated police education, training, and equipment is empirically derived and deductively stated. The Task Force on the Police declared: "Complexities inherent in the policing function dictate that officers possess a high degree of intelligence, education, tact, sound judgment, physical courage, emotional stability, impartiality, and honesty."¹¹ Sheldon Krantz, Executive Director of the Massachusetts Governor's Committee on Law Enforcement and Administration of Criminal Justice, put

⁹ Omnibus Crime Control Act. Tit. I, E., § 520(b), 82 Stat. 197, at —, 7 U.S. Code Cong. & Ad. News, at 1507.

¹⁰ *Id.*, Tit. I, D, § 406(c), 82 Stat. 197, at —, 7 U.S. Code Cong. & Ad. News, at 1503.

¹¹ *Task Force Report: The Police*, *supra*, at 125.

it this way: "Police work is obviously so complex today, particularly in urban areas, that only highly skilled officers can be expected to perform many of the tasks properly."¹²

To this demand for recruits qualified for immediate beatification there is a correlative. It is the demand for a great many of them. So regularly as to require no documentation, police administrators and community officials plead for more policemen.¹³

In addition to these articulated reactions, there is another response, more often discernible than fully explicit. It is frustration, the unremitting frustration of facing increasingly-complex problems with increasingly-inadequate forces. This is the parent of the shrillness in law enforcement demands, not to mention the plain pathos.

Customarily, such demands encounter a *realpolitik* response. Principally, the reply consists of concessions of sincerity, and legitimacy, in the police demands, positing after this concession certain practical facts—such as the tax rate—which at least for the time being must regretfully be understood to bar complete satisfaction of the police needs.

This response, however politically discreet, neglects something, and the neglect is serious. Unnoticed is the possibility that the accuracy of apprehending social problems may not in fact be equalled by perceptiveness in the choice of their solutions. While it is demonstrably true that the police are currently unable to control the disruptive forces referred to them for management, and plain that shortages of manpower and skills have something to do with this, it does not necessarily follow that herculean efforts to repair these shortages represent feasible means of permanent correction of this condition. In fact, dependence upon such efforts may make things worse.

¹² KRANTZ, SHELDON. "Police Recruitment: A Dilemma In The Making." *Topic V*, 1968 Tufts Assembly on Massachusetts Government. Medford, Mass. pp.1-2.

¹³ It scarcely seems necessary to document this. But if it be necessary, let the following experience, personal to the writer, suffice. In 1968, a Special Grand Jury was called to investigate organized crime in Bristol County, Massachusetts. It monopolized, for more than six months, the entire prosecution staff of the Organized Crime Section of the Department of the Attorney General of Massachusetts. Two-thirds of the Section's accounting manpower were concentrated on this investigation. More than two-thirds of the available indictments were returned, principally alleging illegal gaming, conspiracy, and bribery. None of us, involved in the investigation, were convinced that additional manpower would not have produced more.

This possibility takes root in the nature of law enforcement problems, which are nowhere near as peculiar as they are generally taken to be. At bottom, the dilemmas of law enforcement are problems of society, left to fester unattended for so long by other sectors and agencies of the community that most of the available settlement options have expired.

It is this which accounts for the *appearance* of singularity presented by police work. Everything which baffles the cops is represented, quite accurately, as a crisis. This is simply because social problems do not reach the police until they have achieved crisis proportions. And this applies whether the source of the problem is an antisocial individual or a group bent on disruption of society. What distinguishes the police from other community agencies, primarily, is their theoretical monopoly of the remedy of forcible suppression. That remedy is invoked only when milder measures have not been taken, or have been taken or failed.

In the popular mind, force is not an instrument of government, at least not in the same sense as accommodation of differences, conciliation, or other forms of peacekeeping accomplished by discussion or negotiation. It is deemed to be abnormal, and the suppression achieved by it is not considered a totally-desirable result. Forcible suppression is viewed as an option to be employed in desperation; desperation is defined implicitly as that condition immediately preceding the onset of the last throes of an orderly society, and the application of forcible suppression is therefore taken as an admission that the last extremity of society is at hand.

This conviction that the means of law enforcement are different in kind, rather than merely in degree, from the ordering measures employed by other social authorities, colors most views of police work. Its operation is most striking as a continual, reactive effort of crisis management. It is this impressive aspect which attracts most attention and this concentration of attention which invites the belief that crisis is not only the most interesting aspect of law enforcement problems, but indeed its sole distinguishing characteristic. From the fact that the rightful employment of the remedy of forcible suppression is the sole prerogative of law enforcement, there is deduced the conclusion that the police are the proper and exclusive agents for the repair of conditions productive of crisis. This is why the police invariably seem to be fighting losing battles: because they are the heirs presumptive of society's lost causes.

During the past fifty years, incipient disasters have proliferated. Their abundance seems likely to continue. This plenitude of disorder in the body politic, endlessly variable in its manifestations, has several effects.

First, it effectively prevents complete disposition of any given case. The source of the disorder, whether individual or group, is never thoroughly examined, analyzed, or taken as dispositively instructive of methods of averting potential disorders of similar origins. Recidivism rates consistently demonstrate society's inability, or disinclination, to proceed with any sort of determination to isolate, identify, and correct external factors productive of individually-caused disorder. Groups promoting disorder are attended for brief periods only slightly extending beyond the actual period of disruption; the pre-eminently tactical motives for this attention are fully and resentfully perceived for what they are, by the members of the group, and the perception is added to a stockpile of grievances which was adequate before. The restorative agencies of the community, habituated to the despair of repeated large failures and minor successes, develop a discernible resignation which they express in the tendency to treat as terminal all social illnesses delayed in response to elementary treatment. But problems, increasing in difficulty, do not vanish. Instead they are handed on wearily, to the weary police, who find themselves employed to enforce the law, but obliged to spend their time coping with dilemmas of public education, public welfare, political discussion, and the erosion of majoritarian moral codes.

There are thus two parts of the disorders which confront the police. They are numerous and are extremely varied. In its *Report: The Police*, the Task Force on the Police of the President's Commission on Law Enforcement and Administration of Justice reported a survey of matters handled by two metropolitan patrolmen during one tour of duty. Included were *ad hoc* counselling in domestic relations, attempted rent collection, and assistance in the management of a small business.¹⁴ The fact that the police are not trained for these tasks, nor anywhere near numerous enough to assume them along with their peacekeeping duties, was of no practical significance whatsoever. The understanding that this is, and will be, the case is what lies at the root of manpower demands made by police administrators.

¹⁴ *Task Force Report: The Police*, *supra*, pp. 15-16.

It is difficult to quarrel successfully with the conclusions formed out of this hard-won pragmatism. Difficult, that is, if one assumes the starting point: that the police *properly* represent a catch-all, last-resort social agency. But the Omnibus Crime Control Act, allocating substantial resources for the betterment of police work, implies the possibility that law enforcement may be on the threshold of radical change for the better. This possibility in turn raises the obligation to challenge basic assumptions. There is no satisfactory reason for the stultifying presumption that the police should not be made other than they are, in the course of being made better. There is a strong possibility that their progress depends upon such professional change.

The likelihood of such alteration depends substantially upon the hospitality of administrators to an entirely unaccustomed intellectual position. The habitual patterns of police administration, generically deductive, must be exchanged for inductive methods. The administrator must somehow propel himself out of the custom of deploying his forces according to what circumstances appear to decree they must do, and into the policy of using his men, money, and equipment to do what ought to be done. This gives every indication of being one hell of a job.

III

To meet the overwhelming number and variety of problems currently assigned to law enforcement, there are two kinds of policemen: the constable and the detective.

The constable came first. He was hired to enforce the law when the keeping of the peace was no longer open to effective performance by the private citizen. Lay police work presupposed extensive community familiarity (which made it reasonable to expect that the offender would be identified by his victim, or an onlooker), and community isolation (which made it unlikely that the offender, once identified, would be able to regain anonymity by speedily going somewhere else). To a lesser degree, it also presupposed that most criminal acts would be committed against individuals, rather than against the community as a whole, or else that the community was prepared to tolerate acts committed against the community.¹⁵

¹⁵ This applies notwithstanding the fact that the offense against the person was *interpreted* as being against the community, in the eyes of the criminal law. Here the emphasis is different: destruction committed

Immigration and urbanization destroyed community familiarity, by supplying strangers in large quantities. This made it progressively less likely that a given citizen, victim or onlooker, would be able to furnish accurate identification of the offender. Progress in transportation cumulated the effect: in those comparatively unusual instances in which the offender was identified, he could with fair chance of success attempt to recover his anonymity by getting on a train.

The constable was hired to restore the balance between the criminal impulse and the ability of the community to punish its fruits. His presence on patrol served to increase the possibility that the offender would be apprehended in the commission of the act. Capture, of course, eliminated the problem of identification, and prevented the problem of escape from arising.¹⁶ The constable was therefore a minimal community reaction to the increasing complexity of society. His professional descendant, the beat patrolman, on foot or in a prowl car, is employed by contemporary society for essentially the same purpose: to serve as a constant presence in the community, and to initiate the community's reaction to perceptible antisocial conduct. He is basically a paid witness.

The detective was retained as operationally supplemental protection. He works to bring to light antisocial conduct which is not perceived when it occurs, or which is not reported by those who do observe it. Generally, his intervention in a case comes substantially after the criminal act is complete. His function is to supply as much as possible of what a truthful witness, paid or amateur, would have provided, if such a person had attended the commission of the act. The constable, hired to remedy the potential lack of an observant

against individual property owners during a riot is conceptually best viewed as an act against the community. The property-owner is an ancillary target. Similarly with acts of assault and battery punished under the law of the nineteenth century: they were punished in the name of the community, but the community was only a victim in the conceptual sense. The actual victim was the one struck.

¹⁶ The temporal parallel between urbanization (and immigration) and the inception of professional police service is too plain to ignore. See *Task Force Report: The Police*, *supra*, pp. 5-5, and GOTTMAN, JEAN, *MEGALOPOLIS*, Cambridge, Mass., pp. 18, 19, 21. The Industrial Revolution, among a great many other things, inspired the trend to occupational specialization. Gottman, *op. cit.*, pp. 56-57. Law enforcement was only one of the specialties devised under this pressure. But the progress of its specialization has lagged.

witness, is supplemented in his work by that of the detective, salaried to repair the actual lack.

The genesis of American police work is therefore a reaction atop a reaction after a reaction. The community created the post of salaried peace-keeper in reaction to social change. The police at once adopted an *ex post facto* approach to their work, officially concerning themselves almost entirely with the punitive—as opposed to the preventive—function: detection of criminal act, capture of criminal actor, delivery of actor to prosecutorial machinery. This too was reactive. Finally, the contemporary police officer, outnumbered and inadequately trained to contend successfully with a large number and wide variety of social problems, all in crisis stages, referred to him for settlement, reacts once more, articulating his dismay in terms of improvements needed to meet existing difficulties. To be sure, he delivers his demands in the future tense—if society does this for us now, we will accomplish that for society in the future. But in substance it is reactive: having encountered the following innovations in antisocial behavior, we require the following improvements to punish them.¹⁷

If this pattern continues, there is not going to be any permanent improvement in the general ability of the police to do their job. Heretofore the effectiveness of police work, entirely satisfactory to no one, has been at least tolerable to most. It is now in fair way to lose that status.

This prospect is engendered by the lead-time problem now confronting the police. It has always existed, but never in the proportions it has lately achieved.

To illustrate: the techniques of non-violent, civil disobedience initially startled the police. Administrators were moved to devise new methods of handling lawbreakers who went limp upon arrest, instead of choosing one of the two alternatives of the arrestee previously assumed to constitute his only options: forcible resistance, or going

along quietly. Until the majority of policemen were instructed in the new methods, the remedy of containment by forcible suppression, notably distasteful when nationally televised, was applied. These new measures were not difficult to teach. The instruction did not require a great deal of time. Such unfamiliar equipment as was needed was uncomplicated. The policeman, flatfooted as usual in the contemplation of a new social disruption, was able to salvage his effectiveness in a comparatively short period of time.

The techniques he developed in this emergency were specific. They were designed to serve one purpose: the control of non-violent demonstrators. They have been just about as effective in limiting the effect of student protests, demonstrations by welfare recipients, and political dissenters, as they were in restricting the impact of demonstrations aimed at the expression of Negro grievances. This might have been anticipated. But they have been woefully ineffective in response to metropolitan guerilla warfare, incited by militant blacks unmollified by the gains of the preceding, non-violent protests. This, too, might have been expected.

To meet the problem of snipers in the cities, the police once again have been obliged to seek new tactics. Again, this search has met with a modicum of success, albeit success somewhat alarming in its means. Again, the problem was contained, catch as catch can, by use of the instruments available—squad cars, riot guns, tear gas—until new equipment—armored cars, sniperscopes, and body armor—could be acquired and made familiar to the officers.

To thoughtful law enforcement officers, it will constitute no offense to remark that in each of these instances, the time required for the appropriate adjustment of police work was comparatively small. It does not take very long to teach the force to carry an immobile demonstrator, as tenderly as is appropriate, to the wagon. A policeman trained in the use of a service pistol can master a riot gun or a high-powered rifle with relative dispatch. The operation of an armored car does not differ in kind from the operation of a squad car. For the acquisition of such skills, the time which can be secured by scrambling, while upsetting, will suffice. There has been a lead-time problem, but it has been of comparatively minor dimensions.

The prevalence of this saving circumstance can no longer be projected with any sort of legitimate confidence. Two considerations may be cited.

¹⁷ It is this present-tense, experiential orientation of policemen which accounts for their inability, to date, to achieve permanent increases in their law enforcement capability. Emergencies are met as felt, so that while the ratable position of the police improves (of X disorders, they are generally able to deal with fair effectiveness with X-1 disorders, thus improving their batting average with the inception of each new disorder), the absolute position does not (there being always the disorder indicated by the -1 in X-1). The question is how long this precarious position may be maintained. The lead-time factor, discussed in the text, suggests: not very long.

The community as a whole now contains more numerous nonsubscribers of relatively-high ingenuity. They are energetic in the preparation of new forms of social disorder, many of them highly-sophisticated.

The community as a whole now contains many more persons of relative sophistication and informed understanding of the cost of antisocial conduct. Activities tolerated until now, notwithstanding their conceded illegality, have assumed the status of hated offenses. If an example is needed, the current revulsion for organized crime, with the concomitant determination to curtail its provision of illegal goods and services, furnished at staggering cost to the body politic, will suffice.

From this, some predictions may be made. The police will be called upon, in the immediate future, to improve their ability to meet disorders far more sophisticated than those which currently confront them. And, simultaneously, they will be obliged to deal with disorders which have acquired considerable complexity, as a result of long tolerance.

Where the police are challenged by new forms of disorder, they can no longer rightfully rely upon the assurance of an adequate learning period, acquired by forcible suppression of the trouble-makers. There is altogether too great a possibility that the next disorder, or the one after that, will be a one-shot affair, successful at once unless aborted in the attempt. Concurrently, there is the possibility that the less-stable elements of the ostensibly law-abiding community will become impatient in the contemplation of an accustomed disorder, and undertake its resolution by unlawful means.

Further, even if some limited period of law enforcement reaction could be guaranteed, there remains the virtual certainty that any period thus obtained would not be long enough. Where organized crime is concerned, for example, it is plain that the necessary personnel—computer operators, accountants, analysts of criminal intelligence—must commence their training long before the instant at which their competency becomes imperative. Similarly, the burgeoning dependence of the community upon the police for services essentially curative, instead of punitive or preventive, must be met in some way long before the need for the services becomes an emergency, either by transferral of the obligation from the police to more appropriate agencies, or by training of the police to handle the problems.

Substantially, then, the implications of the lead-time problem, as it now confronts the police, are

disturbing in the extreme. Unless the law enforcement orientation toward planning from empiricism is soon discarded, it will be necessary to face a disastrous projection of a time in which the progression of law enforcement capabilities, arithmetically, will be submerged in a geometrical progress of antisocial conduct. Methodological obsolescence, in short, is a real prospect for American law enforcement.

IV

To sidestep this threatened obsolescence, something is needed beyond the energetic recruitment of college graduates detailed to issue traffic citations. Administrators must first accustom themselves to initiative planning: projection of law enforcement needs considerably beyond the present instant. This departure must be given full effect immediately, no matter how internally disturbing it may prove to be in a given department.

To begin, there must be an intentional upheaval in the classification of police functions, with all the correlative departmental disturbance which this inescapably implies. The detective function, educed by the force of necessity from the constable function, now differs significantly in complexity from its parent. In part this difference proceeds from the heretofore random sophistication of police: the arts and sciences of ballistics, lie detection, and chemical analysis were simply more readily adaptable, and usable, by the detective. To a greater degree, the difference is attributable to the continuing complication of society; communications improvements, primarily, have revolutionized the arrangement of criminal plans and made surveillance and intelligence-gathering correspondingly important to the police. Such duties are open to effective performance, in most cases, only by detectives. Retrospectively, of course, it is arguable that this disproportionate reliance upon the detective function was, in the abstract, less than desirable. But this possibility is of less immediate importance than the fact that the disproportion now exists, and cannot be conveniently changed. It is therefore better given due weight in planning, than regretted. The detective function must now be viewed as essentially different—different in kind, though having achieved this difference by an accumulation of degrees—from the constable function, and conformably treated.

Appropriate notice of this difference will be expressed in functional recruitment and training. Prospective detectives must be brought into detec-

tive forces directly from previous occupations and training, not winnowed out of the constable forces as is the common procedure now. They must receive training which significantly differs in kind and quantity from that accorded to the recruit brought into the force as a prospective constable. If the two kinds of training are planned with the greatest allowable attention to the economy of time and expense required to complete them, as they must be, the patrolman will receive only the minimum instruction about the detective function which will enable the man on the beat to recognize cases appropriate for the exercise of the detective capability, and to collect and report, completely and intelligibly, the relevant facts to the detective.

Recruitment programs directed to securing manpower for the constable force should be tailored to attract individuals able to absorb and follow instruction of fair breadth, but relatively lesser depth. Comparatively limited academic experience should be satisfactory. Individuals offering extensive academic backgrounds should not be directly recruited for this force.

The talent hunt for the detective force should emphasize recruitment of individuals capable of intensive training in specialties of comparatively sophisticated academic and technological content. Additionally, the recruit should manifest at least an open-minded willingness to commit himself to periodic retraining: his skills will be sophisticated, and such techniques have a relatively short useful life, geared as they generally will be to the practice of developing technology.

If these suggestions are followed, they will effectively specialize constables as constables, and detectives as detectives. The constables will be locked into the uniform branch of the police partly by reason of training (training they have not had), and partly by ability (ability which they lack). The detectives will be compartmentalized, as detectives, by the expense and time required to qualify them in the first place for their jobs. Representing as they will a sizeable community investment, they will find it arduous to persuade community representatives that their skills ought to be withdrawn from detective work—for which they were inculcated—in order to permit the possessors of those techniques to perform ministerial duties.¹⁸

¹⁸ Occupational specialization is a phenomenon familiar to every person who ever went to college, where a myriad of academic specialties merely serves to introduce to the observer a middle-class world in which

These factors promise with virtual certainty a convulsion in police departments as presently structured.

First, the compartmentalization of constables as constables, and detectives as detectives, will stringently restrict the progress of professionalization so dear to the hearts of a majority of policemen, most of whom are patrolmen. The detectives, while lacking the final glory of professionalism, the right to control the franchise to practice detective skills, will nevertheless, by their evolution into technical specialists, quite closely approach informal professional standing. The patrolmen, being more generally but far less intensively, trained, and commensurately less able to profit by intensive training, will of course continue to possess the indicia of professionalization which they have already acquired, but will undergo a comparative deprofessionalization brought upon them by the increase of sophistication conferred upon their brothers in plain clothes. The patrolmen will find this unpleasant.

Secondly, to this disagreeable experience will soon be added the awareness that the new stratification of personnel, by reference to native intelligence and training, is for all practical purposes, permanent. Recruitment and employment in the post of patrolman will amount to a conclusive finding that the recruit is not qualified for employment as a detective. This will negate the assumption of omnicompetence which serves as the foundation of most law enforcement structures, and if effectual deprofessionalization of patrolmen does not paralyze temporarily the daily operations of the force, the denial of omnicompetence almost certainly will.

As presently constituted, most American police departments are essays in upward mobility. Everyone starts out in a blue suit, as a constable, tagging cars and wrestling with drunks. Proficiency in these pursuits qualifies the constable to attempt certain other accomplishments of questionable utility in the demonstration of superior skills: departmental

doctors are not merely doctors, but internists, obstetricians, and pathologists; lawyers are trial men, probate specialists, or tax advisors; and scientists are able with utter serenity to accept the notion that one's choice of educational major usually amounts also to the election of a career option. The college graduate, occasionally bored with selling bonds, understands nonetheless that logistical problems of returning to the university to study medicine, load the probabilities in favor of the present occupation. But the average policeman lacks this experience.

promotion examinations.¹⁹ Detective status is a reward for success as a constable. Similarly, proficiency on the detective force is commonly held to qualify the individual for promotion to administrative duties. Not surprisingly, men coming in at what is now seen to be the bottom of police work, as constables, consider, and are encouraged to believe that diligence and skillfulness in those duties will bring them higher status, perhaps all the way to the office of chief or superintendent. So also, men now in superior positions, having achieved those positions by diligence in uniform and plain clothes, customarily presume that this ladder-type of progress is the only appropriate method of acquiring and training command officers. They think empirically when formulating programs for the general improvement of police work, as noted *supra*, and they indulge in the same habits of empiricism when they contemplate the improvement of police officers. Omniscience is the governing principle of police personnel work.

That principle must be repudiated before American police work can be improved. Plainly it would be nice to enjoy the services of omniscient officers, so that any policeman could with perfect serenity confront either a noisy drunk or a problem in corporate looting. But this comfort is not within convenient grasp. The recruitment of officers able to make use of intensive training, and the provision of that training, will absorb much time and treasure, and, producing a limited number of sophisticated agents, will quite likely produce a quantum jump in the general effectiveness of law enforcement. Were such training to be extended to *all* officers, the temporal and monetary expense would be far greater, and would be unlikely to accomplish a second quantum jump. Further, it

¹⁹ Departmental promotional examinations, testing recruits for knowledge which the examiner thinks prospective policemen ought to have, testing constables for knowledge which the examiner thinks policemen ought to have, have been adequately criticized elsewhere. See Niederhoffer, *op. cit.*, n. 8, *supra*. The real issue, of course, is the denial of lateral access to police jobs. A science teacher, unhappy with his progress in community A, readily seeks and finds a job as a science teacher in community B, often with full recognition of tenure rights, and always with full credit for experience. A desk sergeant, disgruntled in community A, will experience substantial difficulty meeting the residence requirements likely to be imposed by community B upon police recruits. If he somehow contrives to meet them, he will almost never be able to bring his seniority with him. This is irrational, frustrating, and very damaging to the quality of American police work. It makes the pension check the chief concern of the junior policeman, with predictable effect upon his zeal. See *Task Force Report: The Police, supra*, pp. 130-131.

is very much to be doubted that there exist capable men in sufficient numbers to place a technician in a blue suit at every intersection. In all probability few of them, upgraded to the status of technicians, would thoroughly enjoy such work. There is no option here: specialization must begin at once, and proceed inexorably to completion however distasteful to the policemen whom it touches.

The extent of that distaste is likely to be enormous. In the present scheme of things, detective status is a reward held out to the ambitious constable. Constables now laboring toward this ambition will foreseeably entertain feelings of resentment and indignation when the rewards are withdrawn from their grasp and delivered into the hands of inexperienced (in the eyes of the constable) students. Similar morale problems may be anticipated in the ranks of present detectives. First they will be dismayed by the influx of academic types; then they will be affronted by the discovery that promotional doors have been closed to them also, and that a new ministerial class has been created in law enforcement.

For this too must come: the development of a managerial corps for police work. The alterations of the constable, here suggested, imply his incapacity to direct the work of the new detective, and the coexistent inability of the detective to tolerate such direction. Similarly, the detective, once trained and then retrained at necessary intervals, must be left where his work is, and not uprooted to deal with problems of which he has comparatively little knowledge. Finally, the planning problems which now confront police agencies, the need to define the proper sphere of the policeman, and the extreme necessity for bringing police agencies back into alignment with other social agencies, participating in the early identification of commencing social disorders and working to their solution, command that a new police officer be developed. What is needed, to coordinate the new kind of constable and the new kind of detective in their work, is a ministerial police officer, instructed in the basics of each kind of work, but most intensively trained in the preparation of coherent plans for police services.

To indicate these needs, and to suggest the ways of meeting them, is in no way to minimize the confusion and disarray likely to ensue in their implementation. But unless these tribulations are suffered, the police will remain the ineffective scavengers of society's lost causes until they have

become themselves a vanished opportunity of government.

Congress, drafting the Omnibus Crime Control Act, placed within convenient reach the means of averting this disaster. The millions allocated were set aside to inspire the "States and units of local government to prepare and adopt *comprehensive* law enforcement plans based on their evaluation of

State and local problems of law enforcement."²⁰ The question now is whether law enforcement has the fortitude to use those means to achieve something more than a merely transient improvement in the ability of the police to do their job.

²⁰ Omnibus Crime Control Act. Tit. I. "Declarations and Purpose." 82 Stat. 197, at—, 7 U.S. Code Cong. & Ad. News, 1495. Emphasis supplied.