

Police Problems

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POLICE PROBLEMS*

VARYING administrative functions bear their respective individual and peculiar problems. Those of police executives constitute no exception to this rule. Moreover, not only is the police executive confronted with many of the problems with which an executive in other lines of administrative endeavor must cope, such as the necessity for obtaining a desired goal as rapidly as possible and with the minimum of effort and cost, but he must also solve a number of extremely difficult and, at times, baffling conditions that are alien to the administrator in other branches of administrative effort.

The commercial and industrial executive usually is responsible either to the owner of his company or the president of his organization, or possibly the Board of Directors, or, in some instances, perhaps, the stockholders of the corporation of which he is an executive. A police chief or executive must satisfy not only the legislative body which corresponds to the Board of Directors in other fields, and the mayor, corresponding to the president of a corporation, but also each and every resident in the city or district in which his organization functions. In other words, practically every man, woman and child is a stockholder in the police organization, deriving benefits in the form of protection to life and property and subject to danger and loss because of the depredations of the criminal elements of society. This latter condition is, of course, attributed by a great mass of the body politic to the inefficiency, if not the corruption, of the police administrator.

The chief of police must perform his duties in the full glare of what appears at times to him to be baleful publicity. Crime, particularly if the crime be of a major character, is always news in the fullest sense of the word, and if the solution of major crimes is long delayed or perhaps not consummated at all, this constitutes an apparent reflection upon the efficiency of the police department and more particularly

* EDITOR'S NOTE: Mr. J. Edgar Hoover is the Director of the United States Bureau of Investigation, Department of Justice. For very obvious reasons Mr. Hoover has omitted the usual footnotes and uses generalities rather than citing particular instances. In spite of these omissions the lawyer, student, or layman will readily recall cases on all fours with Mr. Hoover's generalities.

is it attributed in many instances to the lack of ability of the chief of police. This often results in decidedly derogatory comments on the part of the press of a community if not the public. It has been said that a physician may "bury his mistakes," but this is not true of the errors, either of omission or commission, committed by a police administrator. In addition to this basic problem with which police administrative officials are confronted, that of procuring the approval of a vast number of individuals who benefit by the efficiency or good fortune of the force under his command and suffer by reason of his failures, let us briefly consider some other, but not less important, problems which it is incumbent upon him to encounter successfully.

First in point of consideration always, if not first in importance, is that of the character of the personnel constituting the police force under his control. He finds this personnel, upon his assumption of the reins of office—a finished product for good or for evil. He has had no voice in their selection, but must inherit the results of the administrative virtues or vices of his predecessors. Except in individual cases, and then only for conduct unmistakably criminal or unquestionably irregular or inefficient, he can do nothing to change this personnel. In many, if not in the vast majority of jurisdictions, members of the police department are appointed as a result of a so-called civil service examination, based upon the assumed possession of rather minor scholarship qualifications and a physical examination rigid in scope. That these civil service examinations exist at all is a real advantage and a marked contrast to conditions existing a generation or so past when appointments were made to police departments because of the interests or demands of some political ward heeler or boss. At no time and for no reason in the operations of a law-enforcement body may influence of any kind be brought to bear without resultant evil, if not disastrous results. Particularly is this true of appointments. These constitute the source or fountain-head of the personnel of any organization. These should be kept completely free of influence of any kind. Appointments should be made, of course, upon a strictly merit basis.

However, some difference of opinion may arise as to the qualifications which might be considered as reflecting merit, in the light of the specific duties to be performed in order to achieve efficient law enforcement. I really believe that in many localities the so-called academic examination could and should be made more rigid and extensive, so as to insure a higher degree of basic educational qualifications upon the part of those appointed. It should be remembered that the modern criminal is better educated than his predecessor of a generation or so ago. It necessarily follows, therefore, that the traditional arch-enemy and perennial antagonist of the criminal, the police officer, should possess increasingly greater primary educational equipment. I am fully aware, however, that academic or scholarly qualifications in themselves will not always be of definite aid in the apprehension of criminals. Qualities of personal force and constructive mental functioning, such as imaginative vision, unbiased judgment and the power of formulating rapid and reasonably accurate decisions in an emergency; the ability to acquire effective personal contacts such as is implied in the phrase "a good mixer," and moral qualities reflected in dogged, tireless persistence in the face of seemingly insurmountable difficulties—all these are necessary, in fact are more necessary, in order to attain success in law enforcement, than scholastic training. I believe this problem may be effectively solved by supplementing in each and every instance academic examinations or tests by those tending to indicate these other personal, psychological qualities which are so important. I realize that in other than academic tests there may enter the evil of outside influences which I have previously pointed out and which are fatal to efficiency in any organization. However, this development need not necessarily ensue in an honestly and efficiently controlled organization. The main problem cannot be solved unless this personal equation phase is given full and intelligent consideration.

I believe I may safely assert that this combined scholastic and psychological method has been successfully employed in the United States Bureau of Investigation, of which I have been the Director for the past eight years. Applicants for appointment in this organization must have received a

legal education and be possessed of a degree from a recognized law school or college. For this reason they are not only afforded a rigid examination in order to test their technical knowledge of the law, but the examination is framed in such a manner as to indicate clearly their powers of mental resourcefulness, ability to think rapidly and clearly and to detect incidental and partially hidden, but highly important, factors in the questions which they must answer. In addition, special tests are applied to elicit information concerning their powers of observation, keenness of perception, their ability to report clearly and concisely on matters with which they have been acquainted, as well as their ability to contact the public properly and effectively on matters of practical investigative importance and significance.

The next problem confronting the police executive involves the elimination of those who, in spite of all care in the selection of personnel, will be found to have entered the ranks of the organization and to have proven themselves unfit, either by reason of mental or moral disqualifications, for retention or advancement. In any organization properly administered this class of personnel material should be promptly eliminated. Unfortunately, in some police organizations, that is not always practically and promptly possible. Police Trial Boards are provided in a number of police jurisdictions which afford the police personnel the right to appear before such boards, to be represented by counsel, to hear any evidence or charges against them and to reply formally thereto. There are provisions in many instances that the evidence should be such as to prove indisputably the unfitness of the accused before administrative action may be taken. From an administrative standpoint this entails a positive hindrance to an efficient executive in the discharge of his duties. It will be admitted, of course, that no person should be improperly discharged from any organization. It will also be admitted that charges of criminality should be thoroughly proven before any individual is dishonorably discharged, inasmuch as a person so punished might be disqualified thereby, or at least embarrassed, in the pursuit of a livelihood. Steps must, of course, be taken to insure that injustice shall not be done. I am referring to this condition

solely in order to indicate the problem. I cannot at this time suggest the specific steps which I believe should be taken to protect effectively the interests of the individual and at the same time give an executive sweeping powers of personnel adjustment in order to properly discharge the duties and effectively meet the responsibilities devolving upon him. I may mention that Trial Boards are probably a proper means of defense of subordinate personnel of the police organization against the whims, prejudices or inefficiency of an improperly equipped executive official. They protect the subordinates against the exercise of pernicious influence, political or otherwise. Assuming, however, that the executive is thoroughly honest and reasonably efficient, I believe that there should be the least possible hindrance to the full and free exercise by him of the power of removal for administrative reasons.

It naturally follows that the problem of promotions must be properly solved in order to maintain a balanced, effectively functioning organization. In fact, I know of no more important problem than that involved in rendering it certain that those who, by reason of manifest superiority, deserve to be given increased compensation and positions of greater responsibilities, are so rewarded. The efficiency of any organization depends almost solely upon the possibility of affording the widest possible latitude for the exercise of superior ability. No promotions should, of course, be made because of any kind or degree of personal, social, or political influence. This, I believe, requires no argumentation or elaboration. In the administration of the United States Bureau of Investigation I have always insisted upon the exercise of the power to accord promotions to any and all employees who prove their right thereto by demonstrated superiority and fitness for positions of greater responsibility. I have also insisted upon the power of eliminating promptly, without undue argumentation, any and all persons not only considered unfit or below the required standards, but also those who indicate that they are unable to achieve the improvement which would entitle them to added responsibility. In other words, those who have apparently demonstrated their lack of possession of those qualities which would enable

them to develop through experience, to progress with progressing conditions, to keep step with the growth and increased requirements of a growing organization, must step aside in order that their places may be filled by those who can meet these requirements. This policy has necessitated the elimination of men of undisputed ability, men who would undoubtedly attain success in other lines of endeavor, but who are apparently not fitted for law enforcement work. An executive should not be compelled to prove unfitness. If he is worthy of consideration as an executive or administrator, he should be permitted to dispense with the services of an employee upon reaching a decision that an employee is not suitable personnel material. He should not be compelled to submit a bill of particulars or to go into court with a view to legally or quasi-legally proving this condition.

In dealing with the problem of promotions, or the recognition of meritorious service, I am firmly convinced that these should not be bestowed because of tenure of service or seniority solely. I believe that fitness only should be given consideration and that the employee who has most recently been placed upon the rolls of an organization should be given promotion to any position of responsibility to which his qualifications manifestly entitle him. The seniority rule serves as a brake to material progress and hinders efficiency. Length of service solely may be a liability rather than an asset.

There can be no more important problem in the proper management of a law-enforcement organization than that involved in the maintenance of rigid discipline. I doubt if discipline can be too rigid. For an organization to function effectively the rules and policies which govern it must, of course, receive careful study before promulgation or application, but once placed in effect all infractions of these rules must receive swift and appropriate punishment. The life and vital efficiency of every organization depends upon the atmosphere of discipline which permeates it. The most superficial contact with the employees or representatives of any organization will reflect the character of the discipline enforced by its executives. I have seen changes in administration immediately reflected in an inexplicable but at the

same time tangible manner, in the attitude and conduct of subordinate personnel. It necessarily follows that an administrative head, particularly the executive of a law-enforcement body, must be permitted to exercise, and must be capable of exercising an inflexible control, being accorded the right, without restraint of any kind or nature whatsoever, to punish fittingly both minor and major infractions of existing rules. No organization in which the hands of an executive are in any manner tied, or in which his disciplinary control is in any degree hindered or impaired, can possibly function successfully.

The police executive is compelled to cope with certain other problems which, to a greater or less degree, are not encountered in other organizations. A primary problem involves the integrity of those under his supervision. I believe it may be safely stated that in no other character of organization are there so many and continuous personal temptations. The opportunities for corruption, both of a minor and major nature, exist more abundantly in the ranks of the personnel of the law enforcement organization than in any other type of which I am aware. There is no royal road to success in solving this condition. Rigid tests applied to applicants, as hitherto suggested, together with searching investigations into their past histories prior to appointment, strict discipline, coupled with ceaseless vigilance on the part of those executive officials who may be in a position to note indications of any irregularities or circumstances from which the inference might be drawn that the full duty of a police official is not being performed—all these are effective, but effective only if constant, energetic pressure is brought to bear in order to insure the maintenance of a proper moral tone. All members of a law enforcement organization should be both trusted and watched. An executive who neglects either of these manifest phases of his duties is unfit for the position he holds.

Appropriate compensation will aid in the solution of this problem. I am not one of those who believe that men are honest because they are well paid, but I do feel that some who fall are sorely tempted and might not otherwise yield to dishonorable suggestions. The police officer with a family

who finds himself in straitened personal economic circumstances, who sees plainly the opportunity to acquire substantial sums of money with (as he thinks) the minimum of risk, may yield to temptation when, if he were properly compensated for his services, his training and naturally honorable propensities might retain their proper supremacy. Police officials have been very much under-paid in the past. There has been some improvement in recent years, but the fact still remains that an efficient police officer, who must not only display superior intelligence but who must risk his life, potentially at all times, and actually at many times during his police career, is worthy of considerably more liberal treatment at the hands of those whose lives and property he protects than has been accorded him. A better class of police officers has been secured through the payment of increased compensation. I believe a still higher type of personnel may be obtained and trained if their compensation really becomes adequate. Higher salaries would make it possible to offer to the intelligent, ambitious manhood of the country a career worthy not only of an ideal of service but possessing, at the same time, the possibility of a material reward which would enable them to procure for themselves and their children a fair proportion of this world's benefits and pleasures, such as travel, educational advantages and kindred earthly prizes which constitute the desire of the majority of mankind.

Another major problem demanding solution by every police executive is that involved in the attitude of the members of his organization toward the criminal elements with whom they must, perforce, come in contact in the course of their functions as guardians of the public welfare, more particularly that criminal element which does not possess the means or the inclination which would enable it to serve as a problem involving bribery and corruption. This raises the question of the so-called "third degree" which has received so much publicity during the past few years. With regard to this problem, the attitude of every police executive must be clearly and emphatically defined. There must not be the slightest element of tolerance or excuse for any member of a law enforcement organization who, for any reason or motive, indulges in physical violence for the purpose of eliciting

statements or confessions from criminals or their associates. My principal objection to "third degree" methods, from the standpoint of a law enforcement executive, is not because of the injustice involved in the application of brutality to helpless victims, but is based primarily upon the score of the gross inefficiency and hopeless lack of intelligence indicated by methods such as these. The police officer or investigator who is accustomed to rely, to a major extent, upon statements secured from persons in custody in the course of his investigative activity, is absolutely unfitted for the position he may hold. Therein lies the basic sin of "third degree" methods from the point of view of the modern police executive. Investigative inquiries should be conducted in such a manner as to evolve all of the implications and deduce evidentially all of the possibilities involved in the combination of circumstances upon which the case is based. An investigator should be qualified to perform this work skilfully and in such a manner as to bring about the comprehensive construction of a case which may be presented in legal form in court, showing, by qualified witnesses, either the actual criminal occurrence or proper legal inferences from such of the collateral incidents as may be known. The investigator should rely only in a minor degree, if at all, upon statements received from persons under investigation, even though said statements may, as a matter of fact, have been voluntarily proffered. The police officer or investigator whose usual or major trend of activity is directed toward the procurement of statements or confessions is a weak, useless, human anachronism from the standpoint of a modern, scientific investigator—a law enforcement vermiform appendix, not only useless, but dangerous, in the normal development of all investigative or police work. Weak police officials, those poorly trained, those who by reason of temperament and lack of mental ability are manifestly unfitted for scientific work will stress the importance of statements secured from criminals, whether by "third degree" methods or otherwise. The modern properly qualified and trained investigator may not necessarily be shocked by the use of these methods, but he will, in any event, look upon them with the contempt of an

artist for the poor, feeble, bungling efforts of a charlatan or imposter.

Before completing this extremely superficial reference to police problems, it may be well to indicate one that is, I believe, of primary importance both to the police administrator individually and to the police department of which he is the executive head. I refer to the tenure of service of the police chief or administrator himself. The tenure of service of a police administrator should be limited only by demonstrated inefficiency, the known greater efficiency of another available man, or through the operation of those natural causes which will make it necessary that all of us "some fine day" must cease active duty and prepare ourselves, if happily we have the time or inclination, for our journey into the "great unknown." I believe it must necessarily be admitted that an intelligent individual benefits by experience—that the man who has made a successful police administrator will find that he has been broadened and strengthened by the numerous problems which he has faced and which he has solved, in whole or in part; that the sum of his efforts, even of his mistakes, are of advantage as time passes, and that because of the years spent in an earnest and at times desperate struggle to meet the burdensome conditions of his work, he becomes better equipped to grapple with even greater, more intricate problems. I understand that many European countries have been able to retain their police executives until advanced age or the Grim Reaper has made it necessary for a successor to be chosen. This is, manifestly, the only scientific, the only modern course to pursue. To make changes in the leadership of a large complicated organization, as is the modern police department, with every change in political control of a municipality or other geographical division, is manifestly absurd and is possibly the cause of the deterioration or demoralization that has at times been criticized so severely in certain of these organizations. It would certainly seem that the lives and possessions of the men, women and children of a community are altogether too precious to be jeopardized by any such chaotic, senseless mode of procedure as is involved in the changing of a police executive simply because the control of a certain local government may pass from the hands of one political faction to

those of another. The work of a police or law enforcement executive is a real vocation, one that requires all an extremely intelligent individual may possess of the qualities of heart, mind and soul that will gain success in any pathway of life. A lifetime is none too long a period in which to acquire that comprehensive grasp of conditions necessary for the most effective, constructive discharge of the duties of this position. It would be just as absurd to pull down the building in which a police force is located with every change of administration as to replace the head of such an organization.

In addition to the problems I have indicated, and many more to which space does not permit a reference, requiring solution on the part of the police executive, I feel that there exists a most important problem in law-enforcement work which has not yet been successfully solved. This involves the attitude of the members of our communities toward the police. It is probable that many citizens are not aware that this problem exists or if they possess some vague idea of the duty of a community toward its police organization they have given very little, if any, real constructive thought thereto. I believe it to be true that no police department or organization can function successfully without public approval and support. No body of men can exercise constructively the duties incumbent upon them if they are subjected to ill-tempered, trivial, uninformed criticism. If the public and the press indulge in criticism of this kind and if, on the other hand, they constantly withhold all evidences of approval of the numerous meritorious actions, the many instances of not only personal courage, resulting in injury and death to the law enforcement officer but also the work which is consummated in the solution of major crimes and the apprehension of criminals, reflecting imaginative, constructive intelligence of a high order, there remains little incentive to the maintenance of the highest ideals, and the work of a police organization will necessarily become of a perfunctory, mechanical and ineffectual character. Beneath the surface, however, of apparent distrust and superficial criticism of the police seemingly current today, there is plainly evident the real confidence and trust with which the majority of us really view our legal protectors. In spite of individual faults

and undesirable local conditions, there exists a deep-seated conviction in the vast majority of the public, certainly in the minds of those who are best informed, that the police as a whole are in fact worthy of their trust and confidence, and that the lives of the citizens of the country, their worldly goods and the institutions which have been handed down to us by generations which did not know the modern gangster and his accomplishments, may safely be entrusted to the care and protection of the rank and file of these much-criticized police. This underlying confidence should become vocal.

Even now when the economic structure of the country at large is subjected to a strain which may well be considered unprecedented in our own day and generation, there has not been the slightest visible indication that our police forces are not amply capable of protecting our communities from any assault which may be made upon them, not only by organized enemies of society who espouse strange and foreign political vagaries, not only by criminals functioning as individuals and in bands, but also by the many unfortunates who, driven to desperation by the economic needs of themselves and families, may feel impelled to attempt to gain the sustenance necessary to the maintenance of life for themselves and their dependents, by methods not sanctioned by the statutes governing the protection of private property. Surely there have rarely, if ever, existed conditions which actually or potentially so tested the abiding faith of our people in the rank and file of the Nation's first line of defense—the various police forces and law enforcement officials of the country. Other times have witnessed riots and bloodshed on an extended scale. Fortunately for all of us our protecting army of police appears amply able to cope with any emergency which may arise. I believe that this practically inarticulate sense of confidence in itself is sufficient reply to the unbalanced, uninformed or misinformed criticism of the past few years on the part of those who have spoken glibly of crime waves and of corrupt and mentally inferior police who, according to these imaginative and perhaps not entirely veracious critics, have been baffled and defeated by the allegedly intelligent and well-planned operations of modern, fictitiously intellectual, romantically attractive and mentally alert criminals.

The duty of each and every community is unmistakable in situations of this kind, although in too many instances this duty has not been fully or fairly recognized. Glorification of crime and criminals in our moving pictures, in our press, our literature and in our daily conversation, has been all too prevalent. This glorification is based upon a fallacy manifest to all who have had the slightest experience in law-enforcement work—the theory that the criminal is possessed of superior intelligence; that he is endowed with certain desirable or attractive mental or moral qualities. There is not a law enforcement official of any experience or reputation who will not vouch for the fact that conditions indicating this superiority of criminals, are not encountered in their actual daily contact with crime in this or in any other country. The intellectual status of even those who have been most vocally glorified and to whom have been attributed crimes which they never even thought of committing, for the purpose of adding a romantic lustre or halo to an otherwise drab and uninteresting personality, is amazingly low. To say that they are excelled in mental ability by even the least efficient of our police is to be ultra-conservative in stating the facts.

It is a sad commentary upon certain habits of thought and feeling that have developed during the past decade that this tendency toward glorification and romantic admiration has not rather been directed toward the natural foe of the criminal—the individual police officer or detective himself. Here would be ample ground for the writers of lurid fiction and bizarre moving picture scenarios to revel in descriptions of conditions more vitally interesting and attractive than the most fantastic and misleading representations of underworld life which even their hysterical imaginations might conceive. Here is not only loyalty to sworn ideals maintained in the face of almost overwhelming temptations, but also intelligence manifested in the conception of strategic plans, constructively ingenious functioning, indefatigable persistency as well as unflinching courage, which the sagas of the ancients might find it difficult to rival.

One nationally, if not internationally, famous or notorious criminal has recently been committed to a federal penal

institution. This man's mental equipment would not permit him to achieve success in the management of a third-class grocery store in a small community, but owing to the hysterical lack of balance on the part of those responsible for reporting the facts to the public, he has been charged, unofficially, with more crimes than all the pirates of the Spanish Main combined could possibly have committed, and his cheap, gutter personality has been adorned with a romantic halo bearing no relation whatsoever to the actual facts of his career. On the other hand, the pitiful phase of this misdirection of public interest is the resultant lack of appreciation of the daily deeds of wisdom and courage manifested by the men in the ranks of the country's law enforcement army. If the interest of the public could be directed to the truly dramatic episodes occurring in the daily life of law enforcement officials in all parts of the country in their ceaseless battle with the criminal elements, the work of these guardians of our institutions would be materially benefited thereby. It may indicate weakness, but the majority of men work better and accomplish more if they at times receive a modicum of praise, if they feel that their labor is recognized as of really vital importance and that its true significance is known to those whom they desire to serve. In the constant and close intercourse of the Special Agents of the United States Bureau of Investigation with police and law enforcement officials in all parts of the country, it has been clearly manifested to every member of the organization that the struggle of these representatives of law and order with criminals of varying kinds and degrees, is replete with incidents worthy of the pen of a modern epic dramatist. It is a pity that there has not been developed in the public at large an atmosphere of appreciative gratitude and friendly intimate co-operation which would permit the devotion of more attention, if not praise, to the splendidly effective work and accomplishments of the law enforcement organizations of the present day, when they are truly being tested in the crucible of emergency conditions such as we, in our generation, have never witnessed before and fortunately, doubtless, never will see again.

J. EDGAR HOOVER.