

MODULE 3 - HOW DID WE GET HERE?

LECTURE 1 - SOCIAL CONTROL, & THE GOVERNMENT SPY

WHO INVENTED THE POLICE?

OK, so who exactly invented the police anyway? Where did they come from, and why?

And detectives – who thought them up? Why are they different than patrol officers, and why do they wear civilian clothes? Who wrote those rules? Probably some **red commie KGB pinko** type, eh? Or maybe a Nazi **Gestapo** or **STASI jack-booted thug**? Or maybe not.

Someone once said that you can't get respect unless you know your **history**.⁶¹ And another guy said that those who cannot remember the past are condemned to repeat it.⁶² So if you don't know where you've been, you probably don't have a very good idea of where you are, and you really can't have a clue about where exactly you're going. The **CA to NJ** without a map thingie again. So no history = no respect + repetition.

If you haven't gotten the message here yet, I'm saying that in order to find the answers to questions about where we are, we need to **look to the past** to see where things came from, how they developed, and why. We can better understand and appreciate why things are the way they are by looking back into history to learn about the social forces that shaped them. **Remember**, we're a human society, the most complex form of organization we know of in the universe. Don't forget that. And then, once we've got the past and the present kind of sorted out, we should be in a better position to look into the future and see where we may be headed, and if we really want to go that way. **Got it?** If not – well, like before - **start over!** Again!

OK, Watson (that was Sherlock Holmes' associate), so now let's talk about some **models** of investigators that include Government Spies, Secretive Rogues, Inquisitors, Bureaucrats, and of course, the Classical Detectives. And we can use our CONCEPTUAL FRAMEWORK to compare the models. It's finally starting to come together, just like a good investigation! **I like it when that happens!**

One more thing. As we discuss the various models of detectives, we're going to **add the terms** GOALS, STYLES and FOCUS, along with CRIME, SPACE, TIME and SOURCES, down the left hand column of the CONCEPTUAL FRAMEWORK, so we can use them for comparison purposes also. Keep an eye open for them – they should help to better understand the evolution of the models over time.

TWO MODELS OF SOCIAL CONTROL

Policing is a product of the **rise of the state** (the country) as a formal unit of government. Historically, in order for state governments to develop, they needed to maintain some type of social control over the people. The **ol' empire** thing, eh? One of the things they did to make this happen is they created various types of policing organizations that used coercion so the state government could consolidate power and attempt to govern more effectively. It seems that coercion was a necessary evil~

States that are predominantly **centrally organized** (like monarchies, dictatorships or strong central governments) control other social groups by creating centrally organized policing structures, and concerns over maintaining social order generally tend to override issues regarding individual freedoms of citizens. This has been the most common type of government throughout history.

However, in states wherein authority is derived from, and controlled mainly by, **localized social groups**, the police are usually more decentralized and subordinate to those groups, and their powers are more balanced in recognition of individual freedoms, as opposed to centralized national authorities. Not so common. First popularized back in ancient Greece, even before Socrates, I think.

So, INDISPENSIBLE TRAVELER, what we have described here is **two basic models** of social control.^{64, 33} In recent history, the first (strong central governments) is referred to as the **Continental, or European, model**, and the second (weaker central governments, stronger decentralized governments) is call **the British, or Anglo-Saxon, model**.

These two models were popularized at least by the **19th Century**. And if they sound eerily familiar to you (like as in security vs. liberty, community interests vs. individual rights, or CC vs. DP), you might keep that thought as you read on. Of course, if you don't see (or agree with) the connection, read on anyway and see what comes to mind, OK?

Eh, what's that? Models, you say? Too many – confused - models of models - and now we're doing more models? Can we please get some **clarity** here?

OK, OK, just in the event that one or two of you may be befuddled about all the model stuff, or forgot about the big picture of where we are, how we got here, where we're going, and where we want to go, let's just **re-combobulate** and do a quick review of what we've covered already.

We start with the **CONCEPTUAL FRAMEWORK**, which is a matrix, or like a table, with the five phases of the crime continuum (PLAN, ACTION, ESCAPE, FUGITIVE and DISPOSAL) across the top row. And we put things we want to look at down the first column, like CRIME, SPACE, TIME, SOURCES, GOALS, STYLE and FOCUS.

So if we start with a crime (we used burglary as an example) and want to get some idea of what the PLAN phase of the crime looked like regarding when and where it might be planned, sources that might be available there, etc., the stuff down the left column, we just **fill in/guestimate** these things under the PLAN column.

We talked about the **Traditional Investigation Process** that the police currently follow in the US (the preliminary investigation, screen/assign, and follow-up investigation), and that looked like most of it was reactive and limited, because most investigative activities fit into the relatively short ACTION and ESCAPE phases of the CONCEPTUAL FRAMEWORK after the offender was already in the FUGITIVE phase.

We got into the **CUISC** terminology (COLLECT and USE INFO to SOLVE CRIME), and found that in the **Traditional Investigation Process**, when the police were notified of a crime, it was usually when the offender was in the FUGITIVE phase, and that the police then responded after the fact to the space of the ACTION and ESCAPE phases to collect info. They used whatever info they collected to decide what to do next (the slam-dunk, where are they, whodunit stuff). And they seldom solved crime.

Then we jumped to the **CC vs. DP** stuff (the security vs. freedom issue), and that looked like it pretty much reflected the Traditional Investigation Process, with CC essentially focusing on the efficient processing of an overwhelming workload to get the **biggest bang for the buck** for the community, and DP aimed primarily at protecting the individual rights of citizens as they go through the CJ system.

So now, in an attempt to understand where the Traditional Investigation Process and the CC vs. DP stuff came from (how we got here), we're looking back to see what **history** can tell us about social control. Some will argue that we need to start with Socrates, but for the sake of expediency we decided to just go back a few hundred years and talk about the more recent **Continental and British models** of policing.

When we try to put them into the CONCEPTUAL FRAMEWORK, we can see that it's **really too hard** to do at this point, because we don't know enough about them yet. But the general sense of it is that the Continental model may relate to most or all phases of the crime continuum, whereas the British model may not.

That brings us to looking a little more closely at the Continental and British models to see what types of approaches to social control they used. Starting with the **Continental model first**, we begin with the “Government Spy.” After that, we’ll scrutinize the British model to see where that leads us.

OK, now that we’re **all squared away** on the model stuff, let’s move ahead.

THE GOVERNMENT SPY

In France, in the late 18th and early 19th Centuries, the central government employed Government Spies loyal to the central government to serve as **functionaries of the state**. Their primary purpose was to identify both external and internal threats the sovereignty of the state government (kind of like what we might call “intelligence” or “counterintelligence” agents today).^{65, 66, 67}

Government Spies did their job mainly by **covert means**, either by developing sources or misrepresenting themselves, or both, and discreetly collecting information from people (their primary source of information – ding! – that’s the sound of a bell ringing). The info could be used by the government to prevent or detect undesirable activities (sounds like CUIPDSC, eh?). In other words, they **proactively** attempted to be present, or to arrange to have their sources present, in as many of the five phases of the crime continuum as necessary (PLAN, ACTION, ESCAPE, FUGITIVE, DISPOSAL – ah yes, I can see it’s all coming back to you now), so that they could directly collect information from as many sources as possible about people whose behaviors might be inimical to the interests of the state. Neat-o! **Heh-heh**, government spies,...covert,...**yesssss!** It does have a certain insidious appeal.

These Government Spy methods were adapted by the French to control **internal criminal behaviors** and catch criminals as well (a little like Les Miserables - non? French, I, you know...). Undercover police officials of the central government and their networks of informants intermingled with underworld criminals, developed extensive knowledge of their activities, and took actions deemed necessary to control them. In other words, and I quote here, the “Preservation of the government... and the investigation of crimes both relied on **similar procedures**: the use of informants and the development of detailed knowledge about the political or criminal underworld. Detectives worked offenders, not cases” (p.132).⁶⁷ Unquote.

So **right off the bat** we can see that the Government Spy started off by working in all five phases of the crime continuum. So what happened that made the police stop from doing that? And why, **oh why-ever**, did they stop? Let's dig into this a little more deeply.

So, in the Continental model of policing, the **precursor** of the modern-day detective was in fact the Government Spy.⁶⁷

The **GOALS** of the Government Spy were primarily to collect and use information to prevent, detect and solve crime (CUIPDSC).

The **STYLE** of investigation was proactive, covert, and ends-oriented (e.g., the ends justified the means).

The **FOCUS** was on collecting crime information about offenders in all five phases of the crime continuum either in an undercover capacity or by using covert sources, in order to thwart activities detrimental to the stability of the central government.

When dealing with external threats to the state, Government Spies were portrayed as **heroes** because they often placed their own lives at risk, and even lost their lives, to protect their country. However, when they used the very same techniques to investigate internal crimes, they became **notorious** among the civilian populace for using three particularly unpopular stereotype techniques.⁶⁶

The first stereotype, the "**Informer**," gained the trust of the people, then covertly collected damning information against them, and then reported that information to the state. This is today's version of a rat, mole, stoolie, snitch, meanie, bad dude, etc.

The second stereotype, "**Thief Taker**," was a paid mercenary who engaged in blackmail, perjury and dealing in stolen property for money and information. Thief Takers were viewed by the public as corrupt, parasitic, having no redeeming social benefit, and favoring the rich over the poor. **Dastardly** villains they were, and aplenty.

The "**Agent Provocateur**," the third stereotype, was the police official who proactively induced people to commit crimes, and then arrested them, usually for reward money. Like today's "**narc**," only minus the reward money.

To reiterate here, the use of deceit and entrapment for personal or political benefit was considered heroic when targeting threats external to the state. However, when used internally against the citizens of the state, the very same stereotypes and techniques were viewed by the public with considerable suspicion and disdain for a variety of reasons. Government Spies were **hard to control** and their information was often **hard to corroborate** (innuendo, rumor, gossip, even false accusations could create problems of their own). They raised questions regarding common fairness, decency, and privacy rights, and they often led to claims, or at least suspicions, of corruption and abuse among the general public. But as long as the Government Spies were controlled by the central government, the citizenry had less of a say about these things. **Heh**-heh, power over the people!!! And who cares about spying on other countries, anyway? **Heck**, they do the same to us!!

THE FATHER OF MODERN CRIMINOLOGY

For those of you who are intrigued by the Government Spy dual role, please feel free to Google a gentleman named **Eugene Francois Vidocq**, last name spelled V-I-D-O-C-Q. He was a Frenchman who lived between 1775 and 1857. He was an extremely colorful and controversial character who spent his early years as a thief and a crook in and out of the French Army and in and out of prison. He started to work as an informant for the Paris Police and was so successful that in 1812, he organized the first police plainclothes unit, which consisted primarily of ex-criminals like him. How's that for dual roles? That unit eventually grew into the state security police force (Surete Nationale) under Napoleon. Vidocq was chief of the force for several decades, except for when he himself was in prison for one dalliance or another, and he subsequently organized the first private detection and police agency in France. He is also recognized by many as the **Father of Modern Criminology** for his many innovations in undercover activities and forensics. He was what we might call today a detective, although the term had not been invented yet.

THE BRITISH MODEL

In the **British model** of social control, however, this was a much bigger problem than in Europe. Prior to the 19th Century, when concepts of individual liberty shaped governments differently in England than in Europe, social control institutions were created and organized locally rather than at the national level, and they were controlled primarily by local groups. Accordingly, police powers were more limited and more responsive to local interests than to the central government.^{64, 66}

The investigation of crime was done primarily at the **local levels** mainly by sheriffs, constables and privately hired investigators. Although their efforts were generally limited and seemingly ineffective overall, the English

people resisted establishing formalized police agencies because of their widespread mistrust of highly centralized governments, and because of their shared aversion to the Government Spy methods used in Europe. Think of it – they actually preferred being VICTIMS of criminals rather than being VICTIMS of government – is that crazy, or what? What were they thinking? Although it does seem to ring a bell, eh? Like we're sacrificing over a trillion dollars EVERY YEAR today for the very same thing, right?

For those of you who are interested in the early development of police and investigators in England, please feel free to Google a gentleman named **Henry Fielding**, last name spelled F-I-E-L-D-I-N-G (who lived from 1707 to 1754). He was the Chief Magistrate of London, who, in 1749, formed a group of people called the "**Bow Street Runners.**" Although few in number, they were paid by the government to do Fielding's bidding as chief magistrate, and they are often called the first professional police force of London.

So this lecture ends in London, and that's where the next lecture picks up.