

CHAPTER VII
RURAL POLICE PROTECTION

By

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CHAPTER VII

RURAL POLICE PROTECTION¹

1. In General. The rural police agencies of Illinois are of wide variety. They comprise the sheriffs and deputy sheriffs, aided when necessary by special deputies and the *posse comitatus*; the constables of the townships and the police of the smaller incorporated towns; detectives employed from time to time by prosecutors; regularly organized county police operating under the direction of the sheriff; the state highway police; and in grave emergencies the Illinois National Guard. In addition to the foregoing, there are privately supported bank guards or vigilance committees organized under the auspices of the Illinois Bankers' Association, together with a considerable variety of smaller associations formed for protection against horse thieves, chicken thieves, and offenders against the law generally. It is doubtful whether any other state possesses so many different kinds of public or quasi-public police agencies, or places as many full time, part time, and emergency police officers at the command of public authorities. And yet there seems still to be a persistent demand for the creation of additional police bodies and for increases in the number of those already in existence.

There are certain obvious causes for this dissatisfaction with existing rural police facilities. Some of these are of nation-wide extent. The rapid extension of hard surfaced roads, in which the state of Illinois has been a leader, has brought many of the characteristics of urban civilization into rural districts which until recent years were remote and relatively inaccessible. The professional criminal has found that a new and inviting field awaited him. He has discovered vast areas lying outside of municipal boundaries which are not protected by regular police patrols. Improved means of transportation have brought the cities to the rural districts and the criminal element has followed almost as a matter of course.

Because of the rudimentary nature of rural police forces, it is still impossible to determine the exact volume of criminal acts committed in rural areas. Criminal complaint statistics concerning them simply do not exist. It is possible, however, to measure with a fair degree of accuracy, the number and incidence of homicides throughout practically all of the United States. The following Table 1 presents the situation during the last four years for which figures are available.

TABLE 1. COMPARATIVE RURAL HOMICIDE RATES, 1922-1925
(Number of Homicides per 100,000 Population; based on Mortality Statistics of the United States Census)

	1922	1923	1924	1925
Rural Portions of Registration States:				
White	4.8	4.1	4.2	4.2
Colored	23.3	24.2	22.2	25.5
Rural Portions of Illinois:				
White	6.2	5.0	4.9	5.2
Colored	77.1	55.5	61.8	51.4

¹ Survey made in December, 1927.

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It will be observed that during the period covered, the rural white homicide rate in Illinois was almost 25 per cent higher, and the homicide rate among negroes more than two and one-half times that of the country as a whole. While these figures are notable in that the Illinois rate is consistently higher for each of the years covered, it is impossible to draw large conclusions from them concerning the efficiency or inefficiency of rural police agencies. However, they seem to indicate the need for more rural police service, or better rural police service, or both.

Inasmuch as the state is already covered by a vast mosaic of public police agencies serving every kind of jurisdiction, from the township and small incorporated town to the state at large, effort should here first be directed toward determining the manner in which these multiform agencies may be adapted to the crime problem with which they are confronted.

2. *The Sheriff and His Aides.* Historically, the office of sheriff in Illinois is directly descended from the Norman sheriff of medieval England. Its origins may be traced to a time when the English kings were seeking to build up a powerful local instrument to offset the political strength of the barons and other hereditary nobility. The English sheriff quickly became the king's viceroy in all matters relating to the shires. From this it naturally followed that the sheriff was invested with extensive powers of a legislative, judicial, and administrative nature. Among his functions he was charged with presiding at the local courts, with command of the *posse comitatus*, with the apprehension and custody of offenders, the collection of taxes, and raising levies for the king's army. As century followed century, the royal power gradually waned and with it declined the powers of the sheriff. In the country of its origin, the office today is largely of a ceremonial nature, most of its functions having one by one been shorn away. In the United States, however, many of its early characteristics still adhere. In a sense, it may be said to have arrived at a state of arrested disintegration.

Under the Illinois Constitution, the sheriff is popularly elected for a four year term and is ineligible to succeed himself.¹ He is charged with maintaining the peace, with the execution of both civil and criminal process, custody of the jail and its inmates, and in a few cases, with the collection of taxes. In the performance of these functions, the sheriff is usually assisted by deputies and in times of emergency by special deputies authorized by the circuit court. There are a few counties which provide no regular deputies at all. Most of the others have but one deputy sheriff and a mere handful provide for more than four. Special and part time deputies, however, exist in considerable numbers. In other words, the manifest scheme and plan of the sheriff's office is still that which prevailed in the medieval English county.

It is clear that the sheriffs of Illinois are not and probably never will be an adequate police force. The method of selection prescribed by the constitution renders it extremely unlikely that men with police qualifications will be chosen. Their ineligibility to succeed themselves automatically terminates their official service at the end of four years, and destroys any

¹ Article 10, section 8.

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continued usefulness which they might have acquired through actual experience. The number of full time deputies is nowhere very large, and the wide range of their duties necessarily diverts their attention from the enforcement of the penal laws. The opinions of sheriffs of 61 Illinois counties indicate that in most cases the deputy sheriffs devote not more than one-half of their time to criminal work, and that in a number of counties little or no time is so spent.

It should be understood that this fact does not necessarily involve any disparagement either of the sheriffs or their deputies. The fault, if there is a fault, probably lies in the nature and constitution of the sheriff's office. Originally intended as the chief executive officer of the county, the sheriff has been saddled with a highly miscellaneous group of functions. It is easy to understand how his attention might become divided and diffused. As the custodian of the jail and its inmates, as caretaker for the county court house, with his responsibility for serving civil process, and in some cases for collecting taxes, it is but natural that the preservation of the peace and the apprehension of offenders should become a minor feature in the performance of his daily tasks. Even the simpler forms of criminal identification have been neglected by all but a handful of the sheriffs. The small number of full time deputies makes crime repression through uniformed patrols clearly impossible. At the very best, these cannot hope to do more than make an arrest after an offense has been committed. Facilities for criminal investigation are lacking.

Viewed as a police agency, the office is little more than a monument to an historic past. Study of its development will long provide the focus for an understanding of our instruments of criminal justice, but the time has now definitely arrived when it may confidently be stated that the sheriff's office has lost touch with all but the most elementary requirements for dealing with rural crime. Since the sheriff has become so closely articulated with almost the entire range of local administration, there is little that can be done to increase his value and efficiency as a police officer. But, however inactive he may become in that role, there will be times of great stress and emergency when the sheriff, as head of the "power of the county," will be thrust forward into a position of real importance and prominence. The recent history of Illinois bears eloquent testimony to this fact. Recurrent disturbances in the southern tier have repeatedly overwhelmed the sheriffs who were charged with repressing them. In one instance, the adjutant general has vigorously attacked the efficiency and courage of certain local authorities in the following terms:

"The deplorable and disgraceful conditions which developed in this county and which made it necessary to send military forces into this county may be charged to a continued disposition on the part of the inhabitants of Williamson County to disregard the requirements of duly constituted law. However, the direct cause for sending troops was due to the laxity, inefficiency, and cowardice of the local officials and their inability to enforce and maintain law and order, and thereby afford protection to life and property."¹

¹ Biennial Report of the Adjutant General, Illinois, October 1, 1922, to September 30, 1924, p. 41.

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The same authority regrets the inability of the state to effect the removal of local officials who have proved themselves unwilling or incapable of performing their duties impartially in the interests of law and order.¹ The only power of removal now exercised by the governor with respect to the office of sheriff is in those instances where prisoners are taken from the custody of the sheriff and lynched.² It is submitted that the same recourse may be extended to cover all cases in which the sheriff is negligent in the maintenance of order. But such expedients, though necessary, are of negative character, and do not serve to increase the day-to-day value of the sheriff as a peace officer.

3. *Township Constables.* Another characteristic rural police agency is represented by the constables of the townships. The early history of this office is closely intertwined with military affairs and with martial law. The Norman marshals, predecessors of the constable, held positions of great dignity and were drawn for the most part from the baronage. The military functions of the constable lingered for several centuries, and probably helped to sustain the office. When these finally disappeared, the constable was already declining in official importance and public esteem. Reduced at last to an abject subservience to the justice of the peace, the English constable ceased to exercise any considerable influence in the repression of crime. The rural constable in the United States has followed a similar course.

The Illinois Constitution³ provides that these shall be elective officers. Not less than two nor more than five are chosen for each township. The elective term is four years.⁴ While the mode of selection thus prescribed is manifestly ill-adapted to secure capable policemen, it is doubtful whether a change to the appointive method would materially improve the situation. Intensive studies in other states indicate that the office of constable has degenerated to such a point, so far as the repression of crime and the apprehension of offenders is concerned, that it might just as well be abolished. The opinions of Illinois sheriffs seem to confirm this general conclusion. From a total of 61 returns, it appears that the constables of 56 counties are altogether inactive in criminal work. In two counties they are credited with generally useful activity, and in the remaining three, the situation was not sufficiently definite to warrant a conclusion. In any case, it must be clear that the constable cannot be relied upon materially to aid the sheriff, nor to offset the constitutional weakness of that office as a police agency. The constable has almost ceased to function, and remains now chiefly as a reminder of a time when his English predecessors were selected by lot or by "house-row."

4. *Recent Rural Police Developments.* The conclusions thus far drawn with respect to the sheriff and constable are generally recognized and have been reflected in legislative action. Since it is manifestly impracticable to develop the rural sheriff into a professional police officer, and the part-time constable has for long ceased

¹ Biennial Report of the Adjutant General, Illinois, October 1, 1922, to September 30, 1924, p. 47.

² R. S. Chap. 38, Sec. 517.

³ Article 6, Sec. 21.

⁴ R. S. Chap. 76, Sec. 1.

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to be a restraining influence, there is a pronounced tendency towards the creation of new police bodies to deal with rural crime.

The state's attorneys were among the first to feel the need for special police assistance. In their preparation of the state's case, they frequently find it necessary to have recourse to experienced criminal investigators. If these are not provided by public authorities, they must be sought elsewhere. Prosecutors have therefore been impelled from time to time to employ private detectives and others on a temporary basis. The advent of prohibition seems to have accelerated the demand for special prosecutors' detectives, with the result that about one-half of the counties now engage the services of private detectives from time to time. The number so employed is never very large, in most cases being confined to one or two investigators at a time, and apparently never exceeding four in number.

There is no disposition in this report to criticize the practice. The problems facing the prosecutors are recognized, and it is conceded that they have turned to the only means of assistance open to them. It cannot, however, be too emphatically stressed that the employment of private detectives does not and cannot satisfy the requirements of public justice. These private investigators are subject to only temporary discipline, and owe no loyalty to the state authorities during the frequent and extended intervals when they are not on the state's attorney's payroll. Since they are usually engaged for work on particular cases, there is little or none of that continuity of investigation which characterizes city, county, and state detective bureaus. They perform no regular patrols and therefore exercise no repressive influence. Whatever their utility may be to the state's attorneys under prevailing conditions, it is clear that they do not provide an answer to the rural police problem.

Another alternative consists in the maintenance of a uniformed county police force. The outstanding example of the use of this method in Illinois is to be found in Cook County, which by reason of its urban character throws an especially heavy burden upon the time-honored police agencies. The sheriff's highway division in that county averages about 80 officers and men, and the annual cost of its maintenance is in the neighborhood of a quarter of a million dollars. A somewhat similar practice on a much smaller scale has been adopted in a very few of the rural counties from time to time, but is generally confined to the employment of one or two motorcycle officers who work under the direction and control of the sheriff.

Although this device has been resorted to in so few instances that large conclusions concerning its success or failure are difficult to draw, there are sound reasons for believing that it does not meet all of the requirements for rural protection. The only manner in which such county police forces can now be organized, consistent with the laws of the state, is by constituting them as integral parts of the sheriff's force. In other words, they are little more than uniformed deputy sheriffs. Moreover, in the vast majority of rural counties their numbers would necessarily be so limited that a rigorous police discipline would be exceedingly difficult to maintain. Training facilities are entirely lacking, and their tenure is largely dependent upon the quad-

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rennial displacement of the sheriff. It is submitted that the development of a professional police body under such circumstances is manifestly impossible.

6. *Private Protective Associations.* Perhaps the best indication of the inadequacy of rural police agencies is to be found in the rise and growth of citizens' protective associations. These have been organized as a means by which private citizens might defend their lives and their property from attack.¹ The most common type of such association now operating in Illinois is that represented by the bank guards or vigilance committees organized under the auspices of the Illinois Bankers' Association.

The conditions which brought them into existence were altogether extraordinary. During the year 1924, there were 73 bank burglaries, robberies, and attempts, representing attacks upon about 4 per cent of the total number of banking institutions, with losses aggregating about \$350,000. The situation in some counties was even more serious. In St. Clair County, two years ago, there were weekly attacks upon local banks which continued over a period of several months. It appears that none of these were the work of local rural offenders, the gangs coming for the most part from Williamson County, East St. Louis, and St. Louis. Some of the smaller banks began to assume the appearance of fortifications. To the traditional vaults, alarms, and time locks were added armor plate, bullet proof glass, rifles and shotguns. The tellers and officers of these banks have become accustomed to carrying revolvers and automatic pistols on their persons.

This was the situation when the bank guards were organized, beginning on April 1, 1925. The bankers' councils of about 80 counties have designated five or six men in each town for appointment by the sheriff as special deputies. These are directly responsible to the sheriff and receive no compensation. Thus far, over 3,200 men have been recruited and have been equipped with sawed-off shotguns and rifles.

The repressive influence exercised by these associations has been most striking. The rapid decline in bank attacks and resulting losses is depicted in the following Table 2:

TABLE 2. ATTACKS ON ILLINOIS BANKS, 1924-1927, WITH RESULTING LOSSES

(as reported by the Illinois Bankers' Association)

Period	Number of Attacks	Reported Loss
1924 ²	73	\$347,945.10
1925—January 1—March 31 ³	15	241,643.20
April 1—December 31	25	61,390.82
1926	16	46,330.94
1927—January 1—December 10	15 ⁴	15,000.00 ⁴

Smaller associations for protection against horse thieves and chicken thieves have also appeared. While not so numerous nor so active as the bank guards, their very existence is significant as indicating the current necessity for citizen participation in police work. This report does not

¹ Organized under authority of R. S. Chap. 32, secs. 361 ff.

² Periods antedating organization of the first bank guards.

³ Twelve of these were in towns having less than 900 population. Only four occurred in counties where bank guards had been organized. The total loss in these four cases was trifling.

⁴ Estimate as of December 10, 1927.

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deprecate the formation of such bodies as a civic duty or as a business necessity, but the failures of criminal justice, implicit in their very existence, are too clear to be avoided.

Township and county police agencies having proved to be inadequate to the task of rural patrol, it became necessary to create still another police force. In 1921, the state department of public works and buildings was authorized by law to appoint "a sufficient number" of state highway patrol officers to enforce the provisions of the motor vehicle law.¹ In conformity with this statute, the state highway police was organized May 1, 1922, the force consisting at that time of a chief and eight patrolmen. Its activity was confined to the protection of the state highway system from overloaded trucks and the apprehension of intoxicated and reckless drivers. With the gradual enlargement of the force, however, it became perfectly obvious that it should be invested with general police powers.

In 1923, the legislature accordingly passed an act authorizing the director of public works and buildings to appoint not to exceed 100 state highway police.² By its terms, all members of the force are to be appointed without reference to civil service, but are required to possess the physical and mental qualifications for private in the United States Army. The compensation of patrolmen is limited to \$1,800 per annum, plus such uniforms and equipment as the department of public works and buildings may provide.

The most significant feature of this act was the grant of general police powers to members of the force. It remained their special duty to enforce the motor vehicle law and to patrol the highways in rural districts. Added to this, however, was a broad and general grant of the same powers now exercised by municipal police forces and sheriffs, with the proviso that these powers should extend throughout the length and breadth of the state. By 1925, the state highway police had advanced to another stage of development. The state was now divided into 12 districts with a sergeant in command of each, and the force was increased to 90 officers and men. At the present time, it consists of 1 chief, 12 sergeants, 142 patrolmen, and 6 mechanics.

Such, in briefest outline, is the history and development of the Illinois State Highway Police. That its actual functioning and administration may be fully understood, a more detailed treatment is necessary.

In its management of personnel, the state highway police has not advanced at a rapid rate. Like most state police bodies, it has been relieved of the irritating and deadening restrictions of civil service control. The way has been opened for it to free itself from the old tradition surrounding police patronage, and thereby to set a new and shining example for police administration in Illinois. This opportunity has been neglected. At the very outset of the selective process, admission to the force is confined to those aspirants who can secure the endorsement of local political leaders.³ From the eligible list thus compiled the director of public works and buildings

¹ LL. 1921, p. 571.

² LL. 1923, p. 562.

³ Personally communicated.

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makes appointments subject to an examination by the state superintendent of employment and to a character investigation conducted by the chief. Appointments to fill vacancies are made from among the applicants of the district where the vacancy occurs. The residence qualifications thus imposed have a far reaching influence. If recruits were drawn from the state at large, it might be viewed as an unnecessary restriction. To seek them only on the patrol "beat" where a vacancy exists artificially narrows the field of choice, and makes the ultimate selection turn chiefly on questions of local patronage.

Promotions and dismissals are made on the basis of a "merit system" which has been developed by the department. It consists of a systematic award of "merits" for superior police work and of corresponding "demerits" for breaches of discipline. The system has several peculiar features. In the first place, the police officer's record of merits and demerits may be inspected only by the patrolman directly involved. This element of secrecy is difficult to understand, particularly as any value which may attach to such a merit system usually depends upon its full acceptance by the members of the force as an accurate reflection of their relative efficiency. Furthermore, demerits for breaches of discipline may be offset by continued good behavior over a given period, the length of such period depending upon the number of demerits which have been accumulated.

Such peculiarities in the system might be viewed as detracting from its value. It may fairly be questioned, however, whether this or any similar cut-and-dried device for personnel control has ever yielded brilliant results. The relations between officer and subordinate, and between the policeman and the public, are far too complicated to lend themselves to measurement by any formula. The police administrator must necessarily always be concerned with the justice of his dealings with the rank and file. Reduction of those relations to an arithmetical basis does not and cannot automatically register the equities of any given situation.

Maintenance of discipline, through dismissal, is a function exercised exclusively by the chief. This procedure deserves unqualified approval. In the course of the last five years, over 30 patrolmen have been dismissed for cause and four others with unsatisfactory police records have resigned. An examination of the reasons assigned for dismissal discloses that in each case they have been not only adequate, but of so serious a nature as clearly to justify and demand such action.

For although the rate of dismissal in the state highway police is high by comparison with most municipal police bodies, it is relatively low when compared with the turnover of state police forces. If the discipline of a police organization is to be maintained, it is essential that the highest standards of public and private conduct shall be exacted from the rank and file. The following excerpts from merit system bulletins issued by the chief indicate the clemency exercised in administering discipline.¹

¹ These excerpts represent all bulletins charging "demerits" against members of the force for the twelve-month period ending November 30, 1927.

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Merit System Bulletin No. 146

Under date of December 1, 1926, I credited thirty (30) demerit marks to the record of a patrolman for insubordination, which charge consists of neglecting to mail his daily report cards to either Springfield or Kankakee offices, also neglecting to send in bills covering his expenses for the past two months, after having been repeatedly instructed and warned regarding the matter.

Merit System Bulletin No. 176

Under date of December 31, 1926, I placed fifteen (15) demerit marks against the record of a patrolman for neglecting to mail his daily reports according to instructions. This officer did not mail his reports for fifteen days, then mailed them all in one day. I trust this will be a lesson to other officers that the rules of the Department must be complied with.

Merit System Bulletin No. 202

Under date of February 25, 1927, I placed thirty (30) demerit marks against the record of a patrolman for violation of Department rules, which charge consisted of being employed at another position while employed as a state highway patrol officer. When I questioned him regarding the matter he denied it but later admitted it was true.

Merit System Bulletin No. 203

Under date of February 25, 1927, I placed thirty (30) demerit marks against the record of a patrolman for disobeying the orders of his sergeant. I instructed his sergeant to call all his officers out and search for a couple of bodies. The sergeant advised me that when he asked the officer to join in the search he flatly refused to carry out his orders.

Merit System Bulletin No. 237

Under date of April 16, 1927, I placed thirty (30) demerit marks against the record of a patrolman upon recommendation of his sergeant for disregarding the instructions given him; for repeatedly lying to the sergeant, together with refusing to fulfill his duties as a state highway patrol officer.

Let this be a lesson to the officers who do likewise as they will be treated accordingly.

Merit System Bulletin No. 253

Under date of April 30, 1927, I placed thirty (30) demerit marks against the record of a patrolman, upon recommendation of his sergeant, for conduct unbecoming an officer.

Merit System Bulletin No. 254

Under date of May 9, 1927, I placed thirty (30) demerit marks against the record of a patrolman, upon recommendation of his sergeant, for neglect of duty and disobedience.

Merit System Bulletin No. 255

Under date of May 9, 1927, I placed twenty (20) demerit marks against the record of a patrolman, upon recommendation of his sergeant, for disobedience.

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Merit System Bulletin No. 256

Under date of May 1, 1927, I placed thirty (30) demerit marks against the record of a patrolman for leaving the state on two different dates, without securing the permission from his superior officers. This action was taken upon recommendation of his sergeant.

Merit System Bulletin No. 397

Under date of November 30, 1927, I placed twenty-five (25) demerit marks against the record of a patrolman for insubordination and violation of department rules.

From the foregoing bulletins, the conclusion may safely be drawn that disciplinary penalties imposed in the state highway police force are not unduly severe. This is but natural. For if political influence can secure the appointment of an applicant, it can usually protect him from the disciplinary consequences of his acts. Even a stern discipline, however, and a most rigorous weeding out of ineffective or undesirable members, cannot offset the palpable weaknesses in the system of selection now employed. The elimination of an undesirable applicant before appointment, or shortly thereafter, probably has more value in maintaining the morale of such a body than the most unrelenting system of disciplinary penalties.

10. Same: Training. The matter of police training has been entirely neglected by the state highway police. After the applicant has secured the necessary political support and has satisfied the requirements of the state superintendent of employment and the chief highway patrol officer, he is presumed to be ready for the exacting duties of patrol. At all events, he is provided with a uniform, badge, gun, and means of transportation, and proceeds to the performance of his duties.

Yet no lesson of American or foreign police administration could be more clear than that the making of the policeman has only begun when he receives his warrant of appointment. The training which he must receive must be both of a theoretical and a practical nature. An intensive training course for the recruit should include study of the penal laws and of the statutes controlling criminal procedure; the use of police weapons; self-defense; the rules and regulations of the police force; the extent and limitations of the policeman's powers and his relationship to the public. These do not in themselves qualify the recruit for police duties, but if he has been rigorously drilled in their meaning and importance, he may be placed on patrol with a larger degree of confidence than is now possible.

The failure of the state highway police to provide such training facilities is difficult to explain in the light of their general adoption by municipal and state police forces. It may be that the policy of the department in this respect has been controlled chiefly by practical considerations. The fact that members of the force are designated to serve in the districts where they permanently reside has probably made it appear to be rather difficult to collect them at a central point for purposes of training. But whatever the reasons for failure to provide such training, the future course of the department should be abundantly clear. It is recommended that the state highway police take immediate steps to establish a training course of not

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less than two months' duration, not only for those who may hereafter be recruited but also for those now in service.

II. *Same:* There is another result of the practice of permitting
Uniformed patrolmen to serve in the immediate vicinity of their
Patrol. residences. It arises from the fact that the police officer is required from the very nature of his duty to exercise a restraining influence which is unwelcome to those at whom it is directed. Recognizing this, most state and municipal police forces have taken care to assign policemen in districts remote from their residences, and to transfer them with sufficient frequency to insure that they shall not come to be on too familiar terms with the people of the locality which they serve. The necessity for training a policeman to view the performance of his duties as a public rather than as a private matter, presents one of the difficult problems of police administration. Thus far, the problem has been substantially solved in only a few instances; a solution is rendered well nigh impossible by the policy now followed by the state highway police.

Here again it is difficult to say to what may be attributed the current practice of this force. As already stated, the highway police originated as a small body of men who were empowered solely to enforce the provisions of the motor vehicle and highway laws. Thus at the outset there was no compelling reason for frequent transfers or similar safeguards. The growth of the force, both in numbers and in police power, has doubtless raised pressing questions of adjustment. In the solution of such problems the very substance of some of these underlying questions may have been overlooked. Another possible explanation lies in the undisputed fact that local political patronage has in no small degree controlled the destinies of the force.

That the state highway police are no longer solely concerned with motor vehicle and highway violations is indicated by the fact that in the year 1927 approximately one-fourth of all arrests made by members of the force were for offenses lying outside of these two categories. But the same figures demonstrate quite as conclusively that the force has not yet attained a maximum efficiency in this respect. A comparison of the arrest records of the Illinois force with those of other state police bodies shows that the latter are consistently more active in making apprehensions for felonies and major misdemeanors.¹ In some cases this disparity is exceedingly pronounced. Thus, the New Jersey state police, (with a force somewhat smaller than that of Illinois), makes twice as many arrests, and four times as many arrests if motor vehicle cases be excluded from the computation.

The origin and tradition of the Illinois force is also reflected in the policies followed with respect to uniformed patrols. Attention is still directed almost exclusively to patrol of the state highway system. It is on the paved roads of course that motor vehicle and highway violations assume the gravest proportions. On the other hand, the experience of state police forces demonstrates that some of the most effective rural police work may be done on untravelled byways, serving remote and obscure communities. In other words, these police agencies plan their patrols with reference to

¹ In reaching this conclusion due allowance has been made for variations in the size of the several forces.

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people rather than with reference to paved roads. The regular appearance of a uniformed police officer has the same quieting influence in a rural hamlet that it has among the teeming millions of a great metropolis.

The organization of the Illinois state highway patrol also leaves something to be desired. At the present time the state is divided into 12 inspection districts, each commanded by a sergeant and served by 6 to 17 patrolmen. Although it is stated that the sergeants are in charge of their respective districts the fact remains that individual patrolmen report daily by mail, directly to the chief highway patrol officer. Since the latter is without clerical or other assistance of any kind in his home at Kankakee, it is clear that the supervision which he can exercise over 160 officers and men is of the most rudimentary nature.

There seems to be but one solution. The state of Illinois and the state highway patrol force are both too large to permit immediate supervision from a single headquarters. Decentralized organization of the force therefore becomes necessary. If the state were divided into not exceeding four troop areas with a captain or lieutenant in charge of each, and with sergeants under their command performing routine duties of patrol supervision, the energies of the chief highway patrol officer might be released for larger undertakings than those with which he is now concerned.

If any such redistribution of the force should be carried out, it is recommended that the new district lines be made to follow county boundaries wherever feasible. The present policy of cutting across county lines greatly increases the number of county jurisdictions with which the force in any given district must deal. If the state highway patrol is to turn its attention more and more to the suppression of grave offenses, it must recognize that cooperation with courts, prosecutors, sheriffs, and coroners will become an increasingly important part of its work. Naturally, that task of cooperation will be less burdensome if the number of county jurisdictions with which a given troop has to deal is not artificially increased.

A policy of frequent transfers for the rank and file will be not merely desirable but absolutely essential. Adoption of such a policy would have the most far reaching effect upon the force as now administered. It would involve sharp reductions in the salary scales of officers and men and the provision of free subsistence and quarters by the state. Out of this major change, however, would arise a flexibility which the force does not now possess. It would be possible to shift patrol forces in such fashion as to give every nook and corner of the state a greater degree of uniformed police protection. Existing contacts between state highway patrolmen and local political figures would be broken, the force would become a state agency in fact, and not a disjointed instrument presided over by a remote figure residing in Kankakee.

12. *Riots and Riot Duty.* There is one serious consideration which bars the way to fulfillment of this program. Organized labor, in Illinois as in a number of other states, is strenuously opposed to any highly developed and mobile state police body.¹ This opposition is not based upon any unwillingness to see the criminal laws enforced

¹ "Any police system which is not directly responsible to and under the control of the people in the particular community where that system operates is a menace to free institu-

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in rural districts, but upon a belief that a statewide police agency which is susceptible of being moved as a body with military precision is a menace to civil liberty and will be employed for policing, and perhaps for breaking, industrial strikes. The appearance of such an armed and mounted force is declared to be a challenge to the fighting instinct of the workers, and to result in acts of violence which the strike leaders deplore.

There is no reliable evidence that any of the state police forces have been brought into existence for the special purpose of dealing with industrial disputes. It is contended, however, that several state police forces have in fact frequently been used for this purpose, and that the superficial similarity of some of these forces to military organizations has led to gross violations of civil rights during industrial disturbances. An adequate treatment of the many complex considerations surrounding these questions is probably beyond the power of any single report, but certain facts drawn from Illinois experience may serve to throw light upon the main issue.

It is provided by law that in the event of rioting or disorder, the sheriff, aided by his deputies and such special deputies as may be necessary, shall take charge.¹ But if the sheriff finds that he cannot cope with the situation he may call upon the governor "and such military force as may be deemed necessary." If the sheriff neglects or refuses to demand such state assistance, the coroner, the mayor of the city, or the county judge may do so.²

The provisions of law governing the use of the National Guard are to the following effect. Whenever there is a riot or threat of riot "it shall be deemed that a time of public disorder and danger then exists, and it shall be the duty of the governor thereupon to order such military or naval force as he may deem necessary to aid the civil authorities in suppressing such violence." The military force thus provided "may arrest without process and hold in custody until (by order of the commander in chief) such persons shall be discharged from custody or delivered over to the civil authorities." It will be noted that this provision effectively sweeps away traditional civil rights in the disturbed area. Its effect is further strengthened by explicit authority to the commanding officer to use "such force as he may deem necessary to suppress riots, disperse mobs, restore peace, and execute the law," and also by the provision that "orders from civil officers to any military or naval commander shall specify only the work to be done or results to be attained, and shall not include the method to be employed, as to which the military or naval officer shall exercise his discretion, and be the sole judge as to what means are necessary."³

The foregoing excerpts make it clear that the use of the National Guard on riot duty virtually displaces civil authority in the disturbed area. The extent to which the Guard has actually been employed for the suppression

tions and dangerous to the best interests of the people as a whole. I am, therefore, opposed to the establishment of a state police system in any form for the reason that any such state system is destructive to the principle and practice of local self-government." (The State Constabulary Bill; Statement of Victor A. Olander, Secretary-Treasurer, Illinois State Federation of Labor; October, 1921; p. 13.)

¹ R. S. Chap. 38, sec. 525.

² R. S. Chap. 38, sec. 529.

³ R. S. Art. XXII, Chap. 129, secs. 194-196.

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TABLE 3: RIOT DUTY PERFORMED BY ILLINOIS NATIONAL GUARD,
1917-1926

Location	Period Dates	Days	Present for Duty
	1917		
E. St. Louis	May 29-July 24	57	About 2 regiments of infantry
Bloomington	July 6-July 10	5	1 troop of cavalry
Springfield	August 7-September 17	11	1 regiment of infantry
Chicago	September 6-Sept. 22	17	4 companies of infantry
Mount Vernon	December 16-Dec. 20	5	1 company of infantry
	1919		
Chicago	July 28-August 9	13	6 regiments of infantry
	1920		
Kewanee	April 14-April 23	10	2 battalions of infantry 2 sections of machine gun company
West Frankfort	August 5-October		1 regiment of infantry
	1922		
Clinton	July 8-July 19	12	136 officers and men
	July 19-July 25	7	157 officers and men
	July 25-August 7	14	237 officers and men
	August 7-August 30	24	108 officers and men
	September 1-Sept. 21	22	About 54 officers and men
Bloomington	July 9-July 19	11	284 officers and men
	July 19-July 25	7	337 officers and men
	July 25-August 9	16	266 officers and men
	August 9-August 30	22	252 officers and men
	September 1-Sept. 22	23	68 officers and men
Joliet	August 7-September 18	43	469 officers and men ¹
	1923		
Tamms	July 27	1	33 officers and men
Hillsboro	August 11-August 27	17	308 officers and men ²
	1924		
Williamson County	January 8-January 20	13	89 officers and men ²
	February 8-April 3	55	231 officers and men ²
	August 30-September 30	32	34 officers and men
	September 30-Nov. 24	56	75 officers and men ¹
Mound City	July 22-July 23	2	53 officers and men
	1925		
Herrin	January 24-Jan. 29	6	37 officers and men
	1926		
Herrin	April 13-April 24	12	35 officers and men
	April 13-April 17	5	51 officers and men
	April 13	1	49 officers and men
	April 23-May 8	16	66 officers and men
	May 3-May 19	17	49 officers and men
	May 7-May 22	16	51 officers and men
	May 22-June 5	15	52 officers and men
	June 5-June 19	15	48 officers and men
	June 19-July 3	15	36 officers and men
	July 2-July 14	14	36 officers and men

of riot and disorder is indicated in Table 3. From this table it would appear that military force has in fact been used on riot duty on many occasions. The customary arguments against the use of civil authorities, such as the state police, are thereby deprived of some of their effect in this state. But quite aside from any such consideration, the fact remains that the state must take responsibility for maintaining order. The laws establishing orderly processes are state laws, and even the local officers who are sworn to execute them are frequently held in certain aspects to be state officers. The question therefore is, what public authority shall be provided to meet such emergencies when they arise?

¹ Maximum number on duty at one time.

² Daily average for period.

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Local police forces probably offer the ideal instrumentality for this purpose, since if they are used, the element of invasion of the community by an armed force is lacking; but a casual examination of the table will show that in most cases the National Guard has been used in communities which did not and could not maintain an adequate professional police force. In such communities, a situation may frequently arise, and has in fact frequently arisen, which has required the intrusion of state authority. That authority has thus far been represented by the National Guard. While it is not the intent of this report to take a position favorable to the use of armed force by either state or local authorities, it is submitted that legal restrictions upon the use of forcible measures can be more readily applied in the case of civil authorities than in that of a military body such as the National Guard.

Illinois may profit from the experience of other states by setting up safeguards surrounding the use of state police in riot duty. Attention is directed especially to the Massachusetts provision requiring that the state police "shall not be used or called upon for service in any industrial dispute unless actual violence has occurred therein, and then only by the governor."¹ It is believed that this provision represents the full effective limit to any such restriction. For the fact may as well be recognized that while a police force requires careful provision for its democratic control, the means employed to that end should be concerned with the organization of the force and the discipline of its personnel from top to bottom, rather than with arbitrary limitations upon its powers as a peace maintaining agency.

13. A Constructive Program.

The general bearing of the foregoing pages is to this effect: Rural crime in Illinois seems to have assumed grave proportions, especially in certain sections. The time-honored agencies for rural crime repression have either avoided all responsibility or have been overwhelmed. Use of the National Guard in aid of the civil authorities has often been necessary. The state highway patrol, grown from small beginnings, has become involved in local politics and has not as yet made crime repression and the apprehension of felons a major part of its work. Nevertheless, this body represents the obvious point of departure for any consideration of possible programs.

To reorganize and redistribute the state highway patrol along the lines suggested above, however important such details may be, would not go to the root of the trouble. The force would still remain a minor adjunct of the department of public works and buildings. It would still be tied in fact, though not in law, to the same narrow concepts of police duty, and it would still be tied to its unfavorable traditions of the past seven or eight years.

A close scrutiny and analysis of all the elements of the problem leads to but one conclusion. Adequate protection for the rural districts will require a trained and mobile force of state police, operating under a single administrative head who should be responsible to the governor alone. The administrative head of such a body should be assured of official tenure during good behavior but his removal should not be subject to judicial review. He should be vested with complete control over the internal administration of

¹ Massachusetts Acts, 1921, Chap. 22, sec. 89a.

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the force, to be exercised under rules and regulations approved by the governor. The end and aim throughout should be to provide a trained and disciplined body which shall at all times be subject to civil authority, which through frequent patrols may tend to repress criminal acts, and through assistance rendered to state's attorneys, sheriffs, and coroners may serve to increase the effectiveness of these local instrumentalities concerned with criminal justice.

The fulfillment of such a program will involve a distinct break with the past. It will require abolition of the state highway police, and creation, in its stead, of a new entity as an executive arm of the governor. The experience of some hundreds of years has demonstrated how little can be accomplished by seeking to build upon unsound police foundations.