The Emergence and Spread of the Summons in Lieu of Arrest, 1907-1980

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ABSTRACT

Over the past several years, police reformers in the United States have tried to develop alternatives to arrest and encourage police to use them more widely, but this work has moved forward with little awareness of similar efforts in the past. This paper provides an overview of one important strand of that history. Drawing on original archival research, it reconstructs the origins of the summons in lieu of arrest in early-20th century New York, and it chronicles the subsequent spread and transformation of this new form of police authority throughout the country. I argue that this story challenges the dominant understanding of the character of 20th century police reform. Where most historians have argued that early 20th century reforms aimed to focus police attention more narrowly on crime control, the police summons arose as an important tool to accommodate the broad array of tasks that American society increasingly expected the police to handle. Where most historians have argued that Progressive-era police reform was driven by an emerging corps of national policing experts who aimed to brush away the dysfunctional practices of the past, the development of the summons emerged from an intensely local process of experimentation that tried to understand and build on the foundation of innovations that had already been developed informally in the field. In these respects, the development and spread of the summons provides a distinctive image of the forms that police reform has taken in the past, as well as the forms it might potentially take in the future.

Keywords: Police Reform, Citation, Summons, Arrest, Progressive Era

Scholarship about the history of American policing has long been dominated by an influential story. According to that story, 19th century police forces were corrupt, untrained, unmotivated, and disorganized—the product of constant political interference that left them ineffective and unfocused, preoccupied by miscellaneous tasks like lodging vagrants and cleaning the streets rather than law enforcement (and perhaps shirking their job altogether, since their employers expected little beyond political loyalty) (*e.g.,* Walker 2016: 623-8; Walker 1977: ch. 1; Fogelson 1977: ch. 1). After the turn of the 20th century, the usual story continues, a series of reformers tried to professionalize the police, extricating them from political control to establish an independent institution devoted to crime control. New professional associations and academic fields developed expertise about police administration that could serve as the basis for reform, and an influential network of individuals and institutions drew on that expertise to develop and disseminate an ambitious reform agenda throughout the United States—one that sought to clarify the police mandate, improve hiring standards, establish training academies, centralize administrative control over officers in the field, and refine the body of specialized knowledge and technology that could guide all of these initiatives (*e.g.* Carte and Carte 1975; Walker 1977; Fogelson 1977; Bopp 1977; Berman 1987; Lvovsky 2017: 2003-8; Oliver 2017).

Police historians have debated the impact of that agenda for many years. Most of them have concluded that the reformers probably failed to accomplish much of what they set out to do (Fogelson 1977), and some of their "successes" may have undermined democratic oversight and exacerbated longstanding tensions with minority communities (Sklansky 2011; Friedman and Ponamorenko 2015: 1858-61; Walker 2016; Escobar 1999; Agee 2014; Felker-Kantor 2018;

Balto 2019; Baker 2021). Moreover, the reformers' obsession with administrative matters like organizational structure, hiring standards, and records systems arguably crowded out any meaningful attention to the substance of police work (Goldstein 1979). Despite these debates about the impact and merits of early 20th century police reform, the *character* of that agenda has not inspired much debate: scholars have largely agreed that police reform in this period represented an attempt to professionalize the police—to replace political control with leadership by professional experts, transforming an amateurish and unfocused institution into a rationalized tool for crime control. This picture has dominated both the historical literature itself and the textbooks and other public-facing accounts of American policing that draw from it (*e.g.* Archbold 2012: ch. 1; Kelling and Moore 1988).

This paper will reconstruct an episode in early 20th century American policing that is clearly important, yet one that does not fit easily into this familiar narrative: the rise of the summons as an alternative to arrest in New York City around 1910, followed by its spread to other jurisdictions throughout the United States in the decades that followed. As I will use the term in this paper, a summons is a legal tool that allows a police officer to issue an order to someone appear in court or pay a fine without taking that person into custody; legal niceties aside, the term "police summons" is largely synonymous with more familiar term "citation".[1] Both tools provide police with a mechanism they can use to mobilize the legal process against a

[1] For recent discussions of the meaning of "citation", "summons", and related terms, see, *e.g.*, IACP (2016: 4) and Harmon (2016: 334), both of which treat "citation" and "summons" as largely synonymous. (New York's use of the term "summons" is potentially confusing, as some jurisdictions use that term to refer only to a *judicial* summons, i.e., to an order issued by a judge to appear in court in either a criminal or civil case. In this paper, I will only consider the *police* summons, *i.e.*, an order issued by a police officer in lieu of a warrantless arrest.) In practice, both "citations" and "summonses" can take many different forms—they may involve lengthy detentions or brief ones, require a court appearance or permit the matter to be resolved remotely, demand a trip to the police station or permit immediate release in the field, and so on—but I will not dwell on these variations; Whitcombe *et. al.* (1982: vii) and Harmon (2016: 312) discuss some of them. The crucial distinction for my purposes is between summonses and citations in all their variations, on the one hand, and arrests (in all *their* variations), on the other. (For the complexities and ambiguities of the seemingly simple concept of "arrest", see Harmon [2016: 310-3].)

defendant that does not involve the same deprivations of liberty as a full custodial arrest (such as handcuffs, transportation to the stationhouse, fingerprinting, booking, and detention in jail). The emergence of this mechanism in early 20th century New York was clearly an important event in the history of American policing. Until the police summons became available, the police had few tools other than arrest to manage the bewildering variety of problems that society expected them to manage. The widespread adoption of the summons and similar legal devices as alternatives to arrest immediately changed the nature of police intervention for thousands (and eventually millions) of people; more recently, these tools have become an important focus for police reform, as many scholars and practitioners have stressed how they can help to reduce the harms of policing (Harmon, IACP, IACP/UC Center for Police Research and Policy 2020). Despite the importance of the police summons and the citation as a form of police authority, however, their development has not been recognized as one of the legacies of early 20th century police reform.

I will argue that the story of how the summons originated complicates our understanding of that era of police history, since it challenges several assumptions that policing scholars have made about the motivations and character of the reforms it produced. As this paper will demonstrate, the summons did not arise out of a sense that political interference had made the police unmotivated, unfocused, and ineffective; instead, the archival record indicates that those who sought to introduce it were motivated partly by concerns that officers had been exercising their authority *too* vigorously, which had been widely expressed by their contemporaries. The movement that produced the citation did not aim to focus police attention more narrowly on crime control; instead it sought to *accommodate* the expanding range of tasks that police were increasingly expected to perform. The summons did not originate from self-styled policing experts and scholars who wanted to stamp out all traces of the ineffectual institution they had

inherited; instead, it emerged from a complex process of local inquiry that codified makeshift innovations that patrol officers and magistrates had already worked out informally in the field. In short, the development of the summons did not follow the pattern that police historians have usually attributed to early 20th century reforms. In that respect, it illustrates a distinctive approach to police reform in the past, and one that might potentially guide similar efforts in the future.

The next section sets the stage for the story of how the summons in lieu of arrest emerged by reconstructing the national policing context in the years leading up to it—particularly the widespread concern expressed in many cities about the high rate at which urban police made arrests in the late-19th century. Section 2 then focuses in on the historical story at the center of this paper: the development of the police summons in New York City at the end of the first decade of the 20th century, which took shape as part of a major reform of the municipal court system. By drawing on primary documents from the institutions involved in this reform, I reconstruct the motivations and processes that led to the development of the summons, and I describe the way New York police used it during the second decade of the 20th century. Section 3 briefly extends this story by considering the impact and spread of the summons and citation throughout the United States over the next several decades. Section 4 concludes, clarifying how this case study challenges prevailing ideas about sources and character of police reform.

1. Police Authority Before the Summons

Over the course of the 19th century in the United States, the authority of peace officers to make arrests without a warrant expanded dramatically, and arrests soon became remarkably

common.[2] Dozens of agencies in the late 19th century paint a consistent picture. By 1882, the average police officer in St. Louis made 50 arrests per year, the average officer in Baltimore made 68, and the average officer in Boston made 81; in Washington, DC and New Orleans a few years later, the average police officer made 100 or more arrests every year (Monkkonen 2006).[3] No reliable national figures exist during this period, but Eric Monkkonen's database of nearly two dozen large police agencies reports an average of 46 arrests per officer in 1890, and a survey of all police agencies serving cities larger than 20,000 population the same year found that the average officer made 38 arrests (National Association of Chiefs of Police 1898: 8).[4] The common suggestion that late-19th century police were largely inactive, spending their time socializing in saloons or otherwise avoiding their jobs during this period (e.g. Haller 1976: 321; Walker 2016: 626), finds little support in data about the volume of police activity during this period.

In many cities across the U.S., the high rate of arrests became a matter of public concern. Critics complained in newspapers and other public forums that some police officers were misusing their authority to prosecute personal grievances, seek revenge against people who had annoyed them, and extort bribes from businesses; others complained that arrest was simply too

[2] The expansion of arrest authority (including the contraction of authority to resist and challenge arrest) during the 19th century is complex, and historians have not yet studied it systematically, but important sources include Bishop (1872: 108-9), Hall (1936), Chevigny (1969), Davies (2007), and Oliver (2011).

[3] Data about many police activities in its early decades is notoriously unreliable (Walker 1982), but there are reasons to think arrest data are more trustworthy. Police departments generally kept arrest blotters listing every person brought into police custody that could be tabulated for the aggregate figures contained in annual reports, and those who have examined the blotters have found them consistent with the records independently kept by the court system (e.g. Friedman and Percival 1981). Eric Monkkonen (1979) considered historical criminal justice data at length, and he concluded that arrest data represent the most meaningful source of information about police practices during this era. (Even Samuel Walker, who has been critical of Monkkonen's quantitative approach to police history, has conceded that point; see Walker 1982: 214).

[4] Comparisons across longer stretches of time are of course hazardous, but for what it is worth, the average police officer today makes about 14 arrests per year (FBI 2019: Tables 29, 74).

severe a response to minor misconduct like public drunkenness, reckless driving, or illegal vending (e.g. Johnson 1979: 129-30, 136, 220; Miller 1978: 63-4; Steinberg 2014: 173, 182, 214, 220; Mitrani 2013: 95 ff.). The misconduct itself was a real problem: dense urban areas could not thrive with intoxicated people passed out in the gutters, carriages idling in the middle of crowded roads, or park visitors picking flowers from shared public gardens. In most cases, however, the familiar tools of arrest and prosecution seemed too harsh a response to these venial offenses, and a few police leaders began to search for alternatives (Thacher 2015).

In response to these concerns, elected officials and police leaders in many cities during the late 19th and early 20th centuries called on officers to make more sparing use of arrests (e.g., Miller 1978: 69, 72; Lane 1967: 50-1, 111-3, 134 ff.; Walker 1977: 94 ff.). The most celebrated example was Cleveland police chief Fred Kohler's "Golden Rule", announced in 1907, which instructed that city's officers to dramatically curtail their use of arrests. Speaking to the annual meeting of the International Association of Chiefs of Police in 1908, Kohler criticized "the numerous arrests made for minor offenses," complaining that he "couldn't see that these wholesale arrests did any good" that could justify the suffering they inflicted on merely "careless" or "mischievous" people and their families. Kohler met with every group of officers in his department and arrived at a loose "Golden Rule" policy that explicitly treated arrest as a last resort: juveniles should always be warned and taken home "for parental correction" rather than arrested, public inebriates should usually be sent home "unless it seemed necessary for the protection of their lives or their property to confine them until sober", and all other people suspected of first-time misdemeanors should be warned and released "unless it can be shown that the offense was committed with malice and forethought" (IACP 1908: 30, 32; cf. Walker 1977:

94 ff). Arrests in Cleveland immediately fell by two-thirds, from 55 per officer to 18 (Monkkonen 2006).

2. The Emergence of the Citation: New York, 1907-1910

The police citation was developed in the early 20th century as part of this emerging effort to make more sparing use of arrest, particularly for the low-level public order violations that police officers were increasingly expected to control, such as health regulations, licensing rules for street vendors and hackney cabs, and traffic offenses.[5]

Traffic offenses were the most prominent source of concern, even if they were not the only one. Well before motor vehicles arrived on the streets, horse and carriage traffic posed a significant problem for many 19th century cities. To some extent, order on the streets was maintained through informal customs and civil liability rules that did not directly involve the police at all (Seo 2019: 24 ff.), but police played an important supplementary role. Large cities like New York had traffic squads by the first decade of the 20th century, when horse-drawn trucks and carriages still dominated the streets, and traffic enforcement was an expected part of every police officer's duty in many late-19th century cities (*e.g.*, Eno 1909: III; City of Providence 1864: 33-4; Boston Committee on Ordinances 1866: 90-1; Philadelphia Police Department 1883: 24-5). Much of this work was probably informal, as officers cajoled and commanded drivers to move along or verbally reprimanded them for breaking the rules. When officers wanted to take more formal enforcement action, however, their only option was to arrest

[5] The received wisdom about the origins of the citation (originally articulated in three influential reports published in the 1970s and 1980s) maintains that it first developed as a tool to handle traffic offenses as cars appeared on city streets *en masse* during the second decade of the 20th century, and that it was not used for other offenses until several decades later (Busher 1979: 23-4; Feeney 1982: 14-6; Whitcomb, Lewin, and Levine 1984; *cf.* Harmon 2016: 335-7; Seo 2019: 299). In fact, however, this section will show that the citation emerged earlier and less abruptly than these accounts indicate, and that it was applied to a broader range of offenses than traffic offenses alone.

the driver and bring him to the stationhouse for booking and detention before trial. (In New York, at least, the police impounded the driver's horse and carriage in a private stable and required him to pay the boarding fees even if he was acquitted [Page Commission 1909: 3344-5].) Police forces in large cities arrested hundreds of carriage drivers a year for traffic offenses in the years before the automobile (e.g. City of Chicago 1890: 58-60; City of New York 1890: 29; City of St. Louis 1890: 444-5), and even smaller city police forces regularly arrested traffic offenders (e.g. Friedman and Percival 1982: 96-7). As discussed below, critics insisted that this heavy use of arrest to control traffic offenses was ineffective and overbearing.

The earliest large-scale effort to replace these arrests with something more like the modern traffic citation came to fruition in New York City in 1910. At that time the New York City Police Department was a relatively typical municipal police agency. It had already begun to feel the pressure of "good government" reformers who hoped to professionalize the force (Richardson 1970; Berman 1987; Levine 1971; Thale 2004), but political influence still weighed heavily on the department. Civil service rules governed many personnel decisions, but holdovers from the Tammany era still dominated the force into the first decade of the 20th century, and politicians still had considerable influence over assignments and promotion; new recruits received one month's training when they joined the force (expanded to three months in 1914), but the content of that training was thin (Levine 1971: ch. 10). Graft and corruption remained a persistent problem despite repeated exposes and reform efforts, and officers resorted to force indiscriminately (Levine 1971: ch. 10; Willemse 1931: ch. 2). The department fiercely resisted racial integration in its ranks and treated Black neighborhoods with a mixture of neglect and harassment (Browne 2015; Sacks 2005). It was in this unpromising context that the first sustained effort to develop the summons in lieu of arrest emerged.

The idea for the police summons was not new. In 1907, traffic reformer William Eno had tried to convince the New York City Police Commissioner to give traffic police the authority to issue summonses to anyone caught breaking the traffic code rather than arresting them, and around the same time a Bronx magistrate had proposed a sweeping bill to the Board of Magistrates that would have abolished custodial arrests for *all* municipal ordinance violations (including traffic ordinances) in favor of citations (Eno 1909: 3; Page Commission 1909: 705). In some areas of New York, health and street cleaning officers had made informal arrangements with local magistrates to keep a small number of blank judicial summonses that they could issue to people caught violating the sanitary and street cleaning codes (Page Commission 1909: 714, 997, 2498-2500, 3983, 4770). Despite these precedents, the first sustained American experiment with citations arose as part of New York's Inferior Criminal Courts Act of 1910, which was the upshot of a two-year investigation into the state's lower courts by a commission under the direction of former state Senator Alfred Page.

The Page Commission was the brainchild of New York City's Charity Organization Society (COS), which had become concerned about the poor state of the city's lower courts. Hundreds of thousands of the city's poor and immigrant residents flowed through these corrupt, demoralizing, and ineffective institutions every year. At best, this dysfunction was a missed opportunity to have a positive impact on the lives of the disadvantaged; at worst it positively harmed them. COS Secretary Lawrence Veiller complained that defendants could not be confident that their cases would receive a fair hearing in venues where "political pull was more potent than a just cause", and he lamented that the system's onerous and protracted processes imposed a heavy burden on minor offenders that sometimes dwarfed their formal punishment. Meanwhile, the courts did little to restrain "those robbers of the poor—coal dealers, grocers,

produce merchants, meat dealers that fatten on petty dishonesty." To address these concerns, in 1907 the Society began working with its allies in the state legislature to establish a commission that would conduct a detailed study of how New York City's lower courts actually operated. The proposal faced sharp resistance from the political leaders who had made the lower courts an integral part of the New York political machine, but it was eventually enacted the following year (Veiller 1913: 3-4, 7-8; COS 1918: 10-14; cf. Cobb 1925: vii-viii).

The Page Commission's work ranged widely, and its final report proposed sweeping reforms to the staffing, organization, procedures, and physical facilities of the lower courts (Moley 1932: 21-36). The commissioners and the COS officials who supported their efforts pursued this broad agenda because they hoped to transform the existing court system in a fundamental way. At the same time, they saw their work not as an attempt to invent something entirely new but as an intervention into an evolution that was already in progress. For over a year, the commission gathered facts and held hearings about the way the courts currently operated, the way they interacted with other municipal systems, and the impact they had on the people they were supposed to serve. This exhaustive investigation aimed to clarify the problems that needed to be addressed in the New York City inferior courts and the organizational landscape into which their proposals would need to fit. Even so, the commissioners recognized that their proposals were merely preliminary, expecting that "the new organization would bring to light other defects" and explicitly planning on the need to monitor and adapt to those discoveries (COS 1918: 14; cf. Veiller 1913: 20; Page Commission 1910: 41).

From the earliest days of its deliberations, the Page Commission focused on the same concern about overzealous use of police authority that had motivated Fred Kohler in Cleveland. "There are too many arrests made in New York," one Magistrate insisted. "I do not believe you

will find the same number in any other city in the world". It was not just the magistrates and commissioners who felt this way: the police commanders who testified for the commission also believed their agency made too many arrests, and one implied that the huge numbers were a source of embarrassment for the city. The volume of arrests was an enormous drain on the police department and the jails (one witness estimated that each arrest took the arresting officer off the streets for anywhere between 4 and 8 hours), but the most significant concern was the burden they imposed on the people who were arrested. "It is rather obnoxious to see the number of cases . . . where men are arrested by the police [and] taken along the street," one magistrate complained. "It gives a light impression of the personal rights or liberty question." Arrestees were subjected to "humiliation", "inconvenience", and the predations of the bail bondsmen who met them at the jail, and delivery drivers who had to spend the afternoon locked up sometimes lost their jobs, while the perishable deliveries they left behind were delayed for hours. It was simply unjust to visit these harms and indignities on such minor and often unintentional misbehavior. As one magistrate put it: "A mere technical violation of city ordinances is not of that moment that the offender should be treated in the same manner as the person accused of a felony or of some misdemeanor". To alleviate this unjust burden of mass custody the commission proposed the widespread use of summonses in lieu of arrest—not just for traffic offenses but for all ordinance violations "not involving moral turpitude" (Page Commission 1910: 40; 1909: 722, 420, 4035, 1226, 4782, 2919, 4769, 3376, 3983, 4782, 4767, 722, 420, 4035, 713).

Much of the commission's testimony and deliberation explored the myriad challenges that a workable summons system would have to overcome. The most important was the possibility that people accused of lawbreaking would never appear in court. Clearly the penalty

for failure to appear would have to be stiff: "A man would be punished if he resisted arrest," one witness observed, "why should it not be the same way for refusing to come the next morning in obedience to a summons?" Experience with the informal summonses issued by the health squad and street cleaning department suggested that failure to appear rates had been low, and magistrates who had issued summonses from the bench reported similar rates of success (Page Commission 1909: 4441, 3979). Although those experiments were promising and provided the main source for the commission's proposals, they had not really had to contend with the difficult challenge of reliably *identifying* people observed breaking the law: it was one thing to ticket a property owner at his place of residence or issue a summons to someone already identified by a complainant, but it was quite another thing for a police officer to definitively identify someone he observed violating the law in the field. An effective summons system would need to go hand-in-hand with an effective system of identification. To that end, the commission recommended a new system of photo identification cards administered by the police. Anyone of "good character" who could establish his or her identity to the police would be issued a free photo ID card—not a driver's license, but a means of establishing the holder's identity. If anyone who violated a city ordinance or traffic law presented their ID card to the police officer who stopped them, the officer would issue a summons rather than making an arrest unless some exigent circumstance made an arrest necessary (Page Commission 1910: 42).

For those who did not carry an ID card, the Commission recommended that police officers should have discretion to decide whether to make an arrest or issue a summons, depending on how confidently they could identify the people involved and what recourse there was if they failed to appear in court. If it was easy to identify the lawbreaker and guarantee his appearance in court, officers should issue a summons in lieu of arrest. Those charged with

violations of the liquor tax laws, for example, were usually caught breaking the law at their place of business, and if they failed to appear in court their liquor license could simply be revoked. Many professional drivers for trucking companies could be identified even without a police-issued ID card, as could any storeowner charged with violating an ordinance at his store and, perhaps, most licensed pushcart peddlers. By contrast, many witnesses reasoned, it would be easy for prostitutes and out-of-town drivers to give a false name to the police, so they would usually need to be arrested. By considering detailed examples like these, the commissioners and the witnesses who testified before them aimed to clarify the circumstances in which officers would need to exercise discretion (as opposed to those where they should typically be required to issue a summons) and the factors they should rely on when they did so. The Commission also encouraged the police commissioner to make additional rules and regulations delineating the circumstances under which officers should issue summonses in lieu of arrest to people without an ID card as experience using the new tool began to accumulate (Page Commission 1909: 716-7, 998, 1225, 1575, 2602, 3292, 3301, 4322; Page Commission 1910: 42-4; *Laws of the State of New York*, 1910, Chapter 659, sections 83-5).

In the course of several months of hearings, the commission scrutinized the implications of its bold proposal for many specific priorities and practices. Police commanders testified about the logistical challenges that summonses might pose and the degree of discretion the law should leave to the officers (as little as possible, they uniformly agreed, since New York City's risk-averse officers would be reluctant to issue a summons unless it was required). Truck companies and drivers' unions testified about potential downsides of the summons system, such as the possibility that a driver might find it *more* onerous to return to court the next day instead of appearing before a magistrate shortly after booking. Magistrates testified about variations across

boroughs (and even courts within boroughs) that the system would need to be flexible enough to accommodate, while the private animal welfare organizations that helped to enforce the ordinances regulating horse-drawn vehicles described the impact that summonses might have on their work. By soliciting input from all of these stakeholders and crafting a nuanced proposal that took the diverse considerations they raised into account, the commission aimed to develop a workable system for New York City at the end of the first decade of the 20th century, given the way that its enforcement of minor offenses was conducted at the time (Page Commission 1909: 3289, 3339, 3364-5, 4773-7, 4795).

Some witnesses worried that deeper issues remained unaddressed. Municipal ordinances had proliferated so rapidly, and the laws had become so broad and complex, that unjust enforcement seemed almost inevitable. Traffic officers had to make judgments about whether a horse team was overloaded without having any relevant expertise. Private enforcement officials who received fees for every arraignment had a perverse incentive to enforce the law in marginal and doubtful cases. Officers who were evaluated according to the number of arrests they made felt pressure to take formal enforcement action when a warning would have been sufficient. In these situations, police arrested people who had done nothing wrong at all, or at worst committed a very slight technical violation of the city's increasingly demanding rules. Simply replacing those unjust arrests with unjust summonses would miss the deeper problem—indeed it might exacerbate it, since police could write summonses so easily. A serious effort to reduce the burdens of police intervention would need to encourage police officers to use their discretion in a more restrained and responsible way (Page Commission 1909: 3288-9, 3364-3377).

As New York Police Commissioner Theodore Bingham recognized, that was exactly what Chief Kohler had recently advocated in Cleveland. Bingham explicitly invoked Kohler's "Golden Rule" in his testimony to the Page Commission:

> Theoretically, Kohler is right. . . The police ought to be able to exercise a proper discretion, and if a man is simply intoxicated coming home from a dinner, something of that kind, even a little disorderly, take him home, or send him home and not arrest him. Many of the disorderly case arrests are simply—the object of the law is obtained the minute the trouble is quieted and the people, as they are now, placed under arrest, it is all over. There was nothing to the case anyway.

Asked whether police didn't already exercise discretion in this manner, Bingham responded that they might do so "to a certain extent" but that "discretion on the part of police is not encouraged, as a rule." He himself was ambivalent about how far it was appropriate to encourage police to exercise discretion—Kohler was "theoretically" right, he believed, but practice was a different matter—and the members of the Page Commission repeatedly suggested that such questions were beyond their scope. When one truck owner complained that the police misapplied the traffic code and enforced its demanding provisions too literally, one commissioner ruled these concerns out of bounds: "The question is not as to whether the officer is right or wrong, because you cannot regulate human nature, but the question is whether you would rather have your truckman arrested and your truck and its goods stand in front of a station house for an hour or two or three or have a summons served on your truckman then and there" (Page Commission 1909: 2498-9, 3358).

By deflecting concerns like these, the Commission ensured that they would reappear once the new law took effect. In particular, the witnesses who had raised concerns about corrupt, overzealous, and mechanical enforcement proved prophetic. In 1917, credible allegations appeared that members of the motorcycle traffic squad regularly extorted money from drivers

who wanted to avoid a summons, and two years later an internal police department order surfaced that instructed traffic officers to issue at least five summonses a day (*New York Times,* Nov. 9, 1917, p. 13; May 30, 1919, p. 5). As predicted, the identification card system also proved to be an enormous task for police to administer. Early reports suggested the police tried to reduce their workload by restricting the cards to vehicle drivers and chauffeurs—a clear violation of the law, which made the cards available to any adult resident of New York who was of "good character", entitling them to summons in lieu of arrest not only for traffic violations but all city ordinance violations (*New York Times* February 7, 1911, p. 8). The Chief Magistrate insisted that although the new system had greatly reduced arrests, the city still made far more arrests per capita than the London police, and to further reduce the total the police had to take the new law more seriously. By the end of the decade, however, police had abandoned the identification card system altogether, relying on privately issued identification documents and discretionary judgments by officers to determine which lawbreakers could be reliably identified in the field (Cobb 1925: 294, 296).

These and other problems were significant, but the Page Commission's work nevertheless effected a major change in the use of arrest in New York. Two years after it delivered its final report, an editor of the *Journal of the American Institute of Criminal Law and Criminology* praised the use of summonses as "the greatest element" of the Commission's work, and in 1914 the Board of Magistrates maintained that "the extended use of the summons is one of the great advancements made in these courts," saving "a large number of needless arrests of innocent people and persons guilty of trivial and technical offenses". During the previous year, the police had issued over 40,000 summonses—nearly one-fourth the total number of arrests made by New York City police. Failure to appear rates were low, and the overall volume of arrests did seem to

decline after the introduction of the summons as an alternative (Ferrari 1912: 279; Board of Magistrates 1914: 17, 173).[6] Three years later the department issued new "Instructions to the Force" instructing officers that "arrests shall not be made when the same purpose will be served by the issuance of a summons, and that a summons shall not be served when a warning will suffice;" formal enforcement activity dropped a further 10% that year (City of New York 1918: 5-6).

This "instruction to the force" ended up playing an important but unacknowledged part in the emerging police professionalization movement. In 1928, O.W. Wilson—who would go on to become one of the most influential police reformers of the 20th century, and is often viewed as the father of the reform model of policing—used it verbatim as part of the "Square Deal Code" that he adopted when he became chief of the Wichita police department in 1928 (Bopp 1978: 42-3, 138-9). That code had a major influence on ethics codes for policing across the United States in the decades that followed, to the point that Wilson's biographer, William Bopp, described him as "the father of a police code of ethics which has gained universal acceptance in the field." Bopp went on to lament that Wilson "was never given credit" for this contribution to the policing profession, but ironically, one of the most significant provisions of his half-page code apparently came without attribution from the anonymous drafter of New York City's 1918 "Instructions to the Force." In that respect, one of the most celebrated principles of "professional policing" emerged out of the Page Commission's reforms.

[6] Summons data were independently recorded by the courts and the police, and the tallies are consistent, with both the courts and the police reporting around 43,000 summonses of adults during 1913 (Board of Magistrates 1914: 173; City of New York 1913: 33).

Sustaining and Refining the Reforms

The Charity Organization Society leaders who had set these reforms in motion expected that they would have unintended consequences and reveal hidden problems, so they believed it was important to monitor implementation and make changes as needed. In Veiller's words, they wanted to create "a flexible, living system" rather than a "restricted, formal mechanism" (1913: 20). Immediately after the law's enactment, the COS established a new Committee on Criminal Courts charged with supervising, assisting, and extending its reforms, working in close collaboration with court staff and other public officials to do so. Almost immediately the Committee got wind of an emerging effort to roll back many of the law's provisions, and it spent its first year mobilizing allies to defeat it. Soon, however, it turned its attention to implementation, working in collaboration with court officials to refine and supplement the law's provisions in various ways (for example, by developing record-keeping and fingerprinting systems that would help magistrates to distinguish first offenders from repeaters) (COS 1913: 52-3, 9; 1918: 14-7).

The committee's work with court officials repeatedly led to the conclusion that new legislation was necessary. In 1912, the legislature made several modest amendments to the Page law, including a provision that expanded the use of summonses in lieu of arrest for additional violations of the municipal code. Although committee members believed that these seemingly trivial code provisions were "a necessary part of the machinery that makes the city safe, clean, and habitable", they believed that the people who violated them "generally err through thoughtlessness or ignorance" rather than a deliberate effort to do harm and that such venial malfeasance simply did not justify "the ignominy of arrest" (COS 1913: 60; 1918: 7).

Eventually, the Committee's work led to new legislation that authorized police to issue summonses in lieu of arrest for misdemeanors, not just ordinance violations. The Committee already began to scrutinize the way the justice system handled low-level misdemeanors in 1914, when it initiated a study of every misdemeanor case in Manhattan and Brooklyn courts over a three-month period. That analysis found that 1,100 defendants were jailed for anywhere between 3 and 21 days while awaiting trial, and 195 of those end up being acquitted. Many of the guilty received suspended sentences, having already served more time in jail than their offense warranted. Meanwhile, wealthier defendants who could afford bail went free. "The confinement of so many men for such long periods," the Committee insisted, "is not inflicted upon them because of any fact connected with the alleged violation of the law, but just because they are too poor to get bail. It is escaped by the men who have money or friends." The Committee argued that the problem arose from the Magistrates' limited authority over misdemeanor cases: even when the defendant wanted to plead guilty when he appeared before a Magistrate for his initial probable cause hearing, the case had to be bound over to a Special Sessions Court. Many of these unjust detentions could be avoided if the magistrates' authority were expanded. True, the Committee agreed, magistrates should not have the unilateral authority to resolve serious offenses and those involving politically charged laws (such as violations of the liquor taxes) without input from the district attorney. It was difficult, moreover, to create workable rules that drew the line in the right place. "Whether a case is important or trifling really depends on the circumstances of the particular case," the Committee insisted. "Any attempt to sort them by means of general definitions of crime or gradations of maximum penalty invites serious mistakes and injustice". Instead, the Committee proposed a flexible system that empowered a Magistrate to dispose of a case when both the defendant and the district attorney consented (COS 1915: 3-

16; 1914: 3-6). A few years later, in 1919, these concerns led the legislature to authorize the use of summonses in lieu of arrest for misdemeanors. Once again, the new law did not specify the offenses for which police could issue summonses; instead it delegated that authority to the Board of Magistrates and the Police Commissioners, who could agree to designate any misdemeanor as eligible for summons according to their own judgment and experience. In April of that year, the two bodies agreed to a resolution that authorized the use of summons in lieu of arrest for some disorderly conduct violations at the discretion of the desk lieutenant on duty (Cobb 1925: 293-5).[7]

Soon, however, scandal engulfed the city's lower courts, and the niceties of exactly what tools the police used to enforce the laws took a back seat to the outright corruption that magistrates and city police had engaged in (Moley 1932: ch. 3). As the attention of the Charity Organization Society and other reformers shifted to other topics, the summons experiment petered out at a crucial moment. Although summonses continued to be used for traffic violations several city ordinance violations, the most dramatic development—the authorization of summonses for misdemeanors—apparently fell into disuse.[8]

3. Beyond New York

Although it is hard to trace the influence of New York's innovation on police practices in other cities precisely, it is clear that other large police departments sent representatives to New York to learn about the new summons system (Eilers 1920), and the city was one of two

[7] Unfortunately, it is not possible to tell how often police actually issued summonses in lieu of arrest for specific offenses after the passage of the 1919 law, since annual reports from the 1920s lump "summonses and arrests" together in a single statistic for each arrest category.

[8] The atrophy of the old summons law is evident from the fact that the police commissioner who led an effort to revive it in the 1960s (described in Feeney 1982: 85) mis-stated the history of the old law, dating it to 1932 rather than 1910-1919; he apparently was not aware that the Police Commissioners and the Board of Magistrates had specifically authorized summonses for disorderly conduct with the approval of a desk Lieutenant in 1919.

examples of an early police summons system cited in Arthur Beeley's influential call to radically restructure pretrial detention practices (*e.g.* Beeley 1927: 20). The use of the summons in lieu of arrest for traffic offenses soon became routine across the country: when a St. Louis police Sergeant visited traffic enforcement officials in a half dozen of the largest American cities in 1919, he reported that in all but one of them police usually issued summons to traffic offenders rather than arresting them (Eilers 1920: 2). By 1942, a survey of 76 large cities found that police used tickets or summonses for traffic offenses in 62 of them (Warren 1942: 36).

Legal and administrative problems sometimes made the transition from arrest to summons a rocky one, as many jurisdictions failed to undertake the detailed local study and coordination that the Page Commission and the Charity Organization Society had conducted in New York. Some police departments tried to avoid the challenging tasks of interagency coordination and legislative change by unilaterally initiating their own summons-like system, issuing "arrest notification slips" to traffic offenders that instructed them when to appear in court. The legal status of these police-run citation systems was uncertain, and they seemed to attract more than their share of corruption. In Chicago, for example, ticket fixing undermined traffic enforcement by 1920, as many drivers served with an arrest slip contacted friends and representatives in the police department and city government to intervene before police had forwarded it to the courts; one judge estimated that half of the arrest slips issued by traffic police never reached the court (Rose 1924; Beeley 1927: 8, 23; Municipal Court of Chicago 1921: 131).

As the citation spread throughout the country, the rationale for its use sometimes shifted. Although the policymakers who introduced the citation often justified it as a way of reducing arrests, it may have served more importantly as a tool for expanding the range of laws that could be enforced. New York's own early experience may have been an exception: in the first year

after the Inferior Courts Act took effect, the decline in the number of warrantless arrests roughly matched the number of police summonses, making it possible to claim that summonses replaced arrests rather than supplementing them. The long-run experience in New York and other cities, however, was more equivocal. In the early 1920s, when Detroit began issuing police citations to traffic offenders rather than arresting them, a city official emphasized that traffic enforcement nearly doubled immediately: as evidence that the new system had been successful, he stressed the city's heightened ability to enforce the law rather than its ability to reduce the number of arrests (Rose 1924). Similarly, when the St. Louis traffic sergeant advocated for the traffic summons in his own city after his national investigation of traffic enforcement practices, he conceded that the summons might not deter each individual traffic violator from future infractions as effectively as an arrest would, but that weakness "would be offset by the increased number of violators brought before our traffic courts by the summons system" (Eilers 1920: 3). In short, the summons would make more consistent enforcement possible by providing police with a more restrained (and therefore more widely usable) alternative to the blunt tool of arrest.

Beyond Traffic

Although the use of the citation for traffic offenses quickly spread to other cities, its use for other minor offenses was almost entirely ignored, and before long even New York began to neglect it. Three decades after the Page Commission first met, a major review of the law of arrest throughout the U.S. found that only West Virginia had joined New York in authorizing police to issue citations in lieu of arrest for minor violations other than traffic offenses (Warner 1942: 335). That failure did not result from a lack of prominent champions for the idea (e.g. Beeley 1927; 1925: 17-19; National Commission on Law Observance and Enforcement 1931: 14; Warner 1942). Despite the abstract appeal of the idea, however, its practical impact remained

meager for decades, as no jurisdiction made the institutional investment that would be required to tailor a workable system to the contexts where it would operate.

In the 1960s, New York once again became a pioneer in this area when it sought to dramatically extend the use of summonses for nontraffic misdemeanors. That effort came to fruition in 1964 through the Manhattan Summons Project, which eventually mandated noncustodial arrests for most misdemeanors in specified circumstances. The Summons Project took shape as a collaboration between the NYPD and the Vera Institute of Justice, which viewed the initiative both as an end in itself and as an opportunity to establish a foothold within the NYPD to facilitate further reforms. Like the Committee on Criminal Courts officials who had helped to design and implement the reforms developed by the Page Commission, Vera's staff worked closely with NYPD and court officials to refine the Summons Project during its early years, particularly by developing and refining the screening criteria that police would use to decide whether to make an arrest or issue a summons in a particular case. As experience accumulated with the use of summonses for different kinds of offenses and individuals, Vera continually worked with the police department to revise those criteria, and the NYPD steadily increased its use of summonses for a wide range of offenses (including theft, narcotics, and assault) (Vera Institute 1972: 47, 51-3). By the mid-1970s, one-third of all misdemeanor violations were addressed with a summons rather than a custodial arrest (Vera Institute 1972: 52-3, 66; Phillips 2014; Feeney 1982: 89; Ben-Ami 1978: 2-4).

For Vera, the Summons Project had been both an opportunity to transform the way New York handled misdemeanor cases and a demonstration project designed to influence criminal justice practice elsewhere. Already in 1964, when early results from the first project came in, Vera staff presented the results to the National Conference on Bail and Criminal Justice, and a

year later a Deputy Commissioner from the NYPD described the project at length to the annual meeting of the IACP. In the years that followed Vera worked extensively with officials throughout the country to adapt the innovations it had pioneered in New York to other jurisdictions (Vera Institute 1972: 53-5, 1975; IACP 1966: 189-97). A number of states soon enacted laws designed to encourage more widespread use of citation, and police departments and court systems developed frameworks to guide the use of that authority (*e.g.* Feeney 1972). Around the same time, after the American Bar Association conducted an extensive study of New York City's citation practices, its Project on Minimum Standards for Criminal Justice published its first model pretrial release standards, which urged that "it should be the policy of every law enforcement agency to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law", calling on legislatures to "enumerate the minor offenses for which citations *must* be issued" absent exigent circumstances. By 1981, more than two-thirds of all states authorized the use of citations in lieu of arrest for nontraffic offenses (ABA 1968; Berger 1972; Feeney 1972, 1982: 19-22).

4. Conclusion

The emergence of the police summons in early-20th century New York is an important but neglected legacy of Progressive-era police reform, and it highlights an aspect of police history that the conventional picture of this period has neglected. To be sure, this episode does have many familiar elements. The Page Commission's work emerged out of an effort to fight corruption and harassment in the municipal court system, which was under the control of New York City's political machine; and the Charity Organization Society—a classic example of a Progressive-era philanthropic organization—continually fought against the machine's efforts to undermine its reforms. In this respect, the emergence of the summons appears to be a

conventional story about good government experts striving to extricate criminal justice institutions from politics. On closer examination, however, it also highlights two less familiar aspects of police reform in the Progressive era.

First, this episode complicates a common story about the evolution of the police role. For most historians, police reform in the first half of the 20th century aimed to focus police attention more narrowly on crime control (Fogelson 1977; Walker 1977; Monkkonen 1981: ch. 4; Watts 1983; Wertsch 1987; Moore and Kelling 1988).[9] The development of the police summons, however, emerged out of a perspective that embraced rather than rejected the expansion of the police mandate. The summons provided officers with a more refined set of tools they could use to tackle the wide and growing variety of minor public order problems that they were increasingly expected to handle, but for which arrest was poorly suited. In the decades that followed, further forms of authority were added to the police toolkit (such as the authority to question people acting suspiciously, issue orders to people behaving disruptively, or transport public inebriates to detox facilities) that similarly aimed to accommodate the wide range of problems that American society expects the police to manage (Goldstein 1977: ch. 4, 1990: ch. 8). This strand of innovation is significant but underrecognized aspect of the evolution of the police role in the United States.

Second, the *process* by which the citation emerged contrasts with the process of reform that historians have usually associated with the Progressive era—particularly with respect to the

[9] Alternatively, some critics of 20th century police reform agenda have complained it simply paid too little attention to the substance of police work entirely, as it became bogged down in administrative niceties that were at best tangentially relevant to the nature of the work that police actually do in the field (Goldstein 1979). Again, the development of the police summons does not fit that interpretation, for it focused precisely on the nature of the tools that police used to maintain order in the field and the relationship between those tools and the substantive problems that police would use them for. It can be understood as a precursor to the innovations in forms of police authority that Goldstein himself emphasized in his work (*e.g.* Goldstein 1990: 128 *ff.*).

role that knowledge and systematic inquiry supposedly played in it. To be sure, members of the Page Commission and the Charity Organization Society did set out to combat what they saw as the nefarious role of politics in the criminal justice system, and they did hope that a commitment to rational inquiry could help them to do that. They did not, however, think they could apply general scientific knowledge—the technological innovations of university laboratories (e.g. Walker 1977: 156; Oliver 2017: 216-36), the findings of rigorous experiments (Bopp 1977: 51-2, 64), or the prescriptions of scientific management (Wilson 1950)—to develop a rigid template of "best practices" that professional police agencies should conform to (cf. Walker 1977: 60-1), nor did they think that existing practices should simply be swept away now that enlightenment had dawned.[10] Instead, they borrowed lessons and techniques from furtive practices that officers had already used informally to handle health code violations and other types of minor offending in a few areas of the city, and they devoted considerable time and effort to an intensive study of idiosyncratic local conditions and drawn-out negotiations with myriad local interest groups. As early efforts encountered unrecognized problems and new challenges continued to arise, reformers also had to continually monitor the results of their work in order to make mid-course corrections. In these respects, the rise of the citation took shape not as a sudden and definitive break with the past fueled by the emergence of scientific expertise but as a series of intensely local investigations and inventions regarding the proper way to respond to evolving forms of lawbreaking.

In the cases described here, this work has been performed partly by nongovernmental organizations operating outside (but in collaboration with) the police and other criminal justice

[10] The idea that they could reflects the viewpoint of Cesare Beccaria, who described inherited practices as "the debris of barbarous times" (Beccaria 1764/1996: 4). For Beccaria's influence on the leading figure in the "professionalization" movement, see Oliver (2017: 219).

agencies: the Page Commission and the COS's Committee on Criminal Courts in early 20th century New York, and the Vera Institute of Justice in the 1960s and 1970s. The work of refining new forms of police authority required a thorough assessment of local contexts, and it required continual efforts to monitor how well provisional strategies were working in a constantly changing environment. Institutions like Vera and the Committee on Criminal Courts illustrate the combination of local knowledge, independence, and persistence that those tasks seem to require. It is perhaps more than the research reported here can really support to suggest that the long period of stagnation in the spread of the summons between the late 1920s and the early 1960s reflects the neglect of this particular kind of local institutional capacity—to suggest that the era of top-down, centralized solutions like the Uniform Arrest Act (Warner 1942) and the national "best practices" promulgated by national consultants in the police professionalism era (Fogelson 1977: ch. 7) left too little room for local experimentation and adaptation. Nevertheless, it is a reasonable hypothesis for future research.

In the meantime, the case recounted here provides a distinctive image of the content and methods of police reform in the past, as well as the forms that it might take in the future. The most common image of 20th century police reform emphasizes its roots in professional expertise. It is the image of August Vollmer, inspired by the scholars and libraries in Berkeley, drawing insights about crime prevention from psychology textbooks, consulting with chemists to develop new tools for detective work, and staffing his training academy with University faculty (*e.g.* Oliver 2017: 213-35; cf. Deutsch 1955: ch. 10, Carte and Carte 1975: 1-3, 25-32, 49-50). It is the image of O.W. Wilson and Bruce Smith, inspired by the doctrines of scientific management and early 20th-century political science, using the principles of those doctrines to try to rationalize police administration throughout the country (Oliver 2013; Fogelson 1977: 164, 175; Walker

1977: 59-61). It is the image of the scholar-leader, qualified by education and scientific knowledge to develop novel insights that can guide police into the future.

The Page Commission and Charity Organization Society's deliberations provide a different image of police reform, one that is rooted less in generalized bodies of scientific knowledge than in local inquiry, engagement with local stakeholders, and trial-and-error innovation. That model resembles the approach that Charles Sabel and William Simon in a different context have labeled "contextualizing" reform (cf. Sabel and Simon 2012)—an approach that aims to develop a "best fit" for local conditions rather than importing scientifically vetted "best practices" from elsewhere (cf. de Angelis, Rosenthal, and Buchner 2016: 52).[11] Since those conditions continually change, contextualizing reforms must also support sustained learning and flexible revision; they are not static interventions but programs for continual monitoring and refinement. At its best, this approach to reform establishes new practices suited to the priorities and capabilities prevailing at a particular time and place, and it establishes the capacity to monitor those practices and make revisions as local conditions change. That approach may represent a particularly important strategy for solving problems that cannot be solved by applying existing knowledge, either because the goals of reform or the means of achieving them remain unclear; in that context, exploration and discovery are more important than the application of existing knowledge (Sabel and Simon 2012: 1267). The constantly evolving problems that policing grapples with often have all of these characteristics (Thacher 2019; Sparrow 2016: ch. 4).

[11] As Sabel and Simon explain at length, this work aims not to apply established knowledge but to explore the unrecognized possibilities that are available a particular context. That process requires "dialogic reconciliation of diverse views among stakeholders about premises or goals on the one hand and conclusions or means on the other," and "decisionmaking is preoccupied with discovery and experiment"; reformers "are more likely to see their efforts as the joint exploration of possibilities and reinterpretation of premises and goals in the light of what is discovered than as the elaboration of established knowledge" (Sabel and Simon 2012: 1266-7).

In this respect, the history of the police summons can expand our understanding of the forms that American police reform has taken in the past, as well as the forms it might take in the future. The image of reform that historians have associated with the "police professionalization" movement, which supposedly mobilized scientific expertise to reform the backwards organizations that local politics had produced, has dominated our image of what American police reform involves.[12] As this case study illustrates, however, some of the most important reforms of policing's past have followed a very different course.

[12] As an interpretation of early 20th century police reform, this conventional story may reflect a misinterpretation of the role that "science" and "expertise" played in the progressive era. Although progressive reformers did indeed hope to transcend machine politics and discover a more rational basis for administrative reform, they understood science as a method of inquiry rather than a fixed body of results (Wiebe 1966: 147). As an interpretation of the ideals that should guide police reform today, it arguably exaggerates the ability of science and professional expertise to guide the policing practice (Sklansky 2011).

References

ABA (1968). Standards, Pretrial Release, § 2.2(a)

Agee, Christopher (2013). *The Streets of San Francisco*. (Chicago: Univ. Chicago Press.

Archbold, Carol (2012). "The History of the Police", in *Policing: A Text/Reader* (Thousand Oaks: Sage, 2012), pp. 2-11.

Baker, Andrew (2021). *To Poison a Nation: The Murder of Robert Charles and the Rise of Jim Crow Policing in America*. (New York: The New Press.)

Balto, Simon (2019). *Occupied Territory*. (Chapel Hill: Univ. North Carolina Press.)

Baumer Terry, and Kenneth Adams (2006). "Controlling a Jail Population by Partially Closing the Front Door: An Evaluation of a "Summons in Lieu of Arrest" Policy", 86 *The Prison Journal* 386-402.

Beccaria, Cesare (1764/1996). *Of Crimes and Punishments,* trans. Jane Grigson. (New York: Marsilio Publishers.)

Beeley, Arthur (1927). *The Bail System in Chicago* (Chicago: Univ. Chicago Press)

Ben-Ami, Oded (1978). "The Use of Desk Appearance Tickets in New York City", NYC Criminal Justice Agency Research Department, April.

Berger, Mark (1972). "Police Field Citations in New Haven", 2 *Wisconsin Law Review* 391-2

Berman, Jay (1987). *Police Administration and Progressive Reform*. (New York: Greenwoood.)

Bishop, Joel (1872). *Commentaries on the Law of Criminal Procedure* (Boston: Little, Brown, and Co.)

Bittner, Egon (1990). *Aspects of Police Work*. (Boston: Northeastern Univ. Press.)

Board of City Magistrates (1914). *Annual Report of the City Magistrates' Court, First Division* (New York: Author).

Bopp, William (1977). *O.W. Wilson and the Search for a Police Profession* (Port Washington, NY: Kennikat Press.)

Boston Committee on Ordinances (1866). *A Supplement to the Laws and Ordinances of the City of Boston.* (Boston: J.E. Farwell & Co.)

Brown, Robert, and James Frank (2005). "Police-Citizen Encounters and Field Citations: Do Encounter Characteristics Influence Ticketing?" 28 *Policing: An International Journal of Police Strategies and Management* 435- 454.

Browne, Arthur (2015). *One Righteous Man: Samuel Battle and the Shattering of the Color Line in New York*. (Boston: Beacon Press.)

Busher, Walter (1979). *Citation Release: An Alternative to Pretrial Detention* (Sacramento: American Justice Initiative)

Carte, Gene, and Elaine Carte (1975). *Police Reform in the United States: The Age of August Vollmer, 1905-1932*. (Los Angeles: Univ. California Press.)

Charity Organization Society of New York (1913). *31st Annual Report* (New York: Author). [Community Service Society Records, Box 111, Columbia University Rare Book and Manuscript Library.]

Charity Organization Society of New York (1914). *Reorganizing the Criminal Courts* (New York: Author). [Community Service Society Records, Box 111, Columbia University Rare Book and Manuscript Library.]

Charity Organization Society of New York (1915). *Justice for the Poor* (New York: Author) [Community Service Society Records, Box 111, Columbia University Rare Book and Manuscript Library.]

Charity Organization Society of New York (1918). *The Forgotten Army: Six Years' Work of the Committee on Criminal Courts* (New York: Author) [Community Service Society Records, Box 111, Columbia University Rare Book and Manuscript Library.]

Charity Organization Society of the City of New York. *The Forgotten Army: Six Years' Work of the Committee on Criminal Courts* (New York: Author, 1918), pp. 10-14;

Chevigny, Paul (1969). "The Right to Resist an Unlawful Arrest", 78 *Yale Law Journal* 1128-50.

City of Providence (1864). *Rules and Orders for the Government of the Providence Police.* (Providence: Providence Press Company.)

City of Chicago (1890). *Report of the General Superintendent of Police* (Chicago: M.B. McAbee.)

City of New York (1890). *Report of the Police Department, Year Ending Dec. 31, 1890.* (New York: Martin B. Brown, Printer and Stationer.)

City of New York (1913). *Report of the Police Department, Year Ending Dec. 31, 1913.* (New York: Martin B. Brown, Printer and Stationer.)

City of Saint Louis (1890). *Mayor's Message and Accompanying Documents to the Municipal Assembly* (St. Louis: Levison and Blythe Stationery.)

Cobb, William, ann. (1925). *Inferior Criminal Courts Act of the City of New York* (New York: MacMillan)

Davies, Thomas (2007). "Correcting Search and Seizure History: Now-Forgotten Common-Law Warrantless Arrest Standards and the Original Understanding of 'Due Process of Law'", 77 *Mississippi Law Journal* 1-224.

Davis, Warren (2005). "Should Georgia Change Its Misdemeanor Arrest Laws to Authorize Issuing More Field Citations?" 22 *Georgia State University Law Review* 313-79.

De Angelis, Joseph, Richard Rosenthal, and Brian Buchner (2016). *Civilian oversight of law enforcement: Assessing the evidence*. (Tucson, Az: National Association for Civilian Oversight of Law Enforcement.)

Deutsch, Albert (1955). *The Trouble with Cops*. (New York: Crown.)

Eilers, Herman (1920). "Suggests Many Traffic Changes", *St Louis Police Journal*, June 19, pp. 1-3 [St. Louis Police Library and Museum].

Eno, William Phelps (1909). *Street Traffic Regulation* (New York: The Rider and Driver Publishing Company.)

Escobar, Edward (1999). *Race, Policing, and the Making of a Political Identity*. (Los Angeles: Univ. California Press.)

Feeney, Floyd (1972). "Citation in Lieu of Arrest: The New California Law," 25 *Vanderbilt Law Review* 367-95

Ferrari, Robert (1912). "The Magistrates' Courts in the City of New York. A Review of the Chief City Magistrates' Annual Report for 1911," 3 *Journal of the American Institute of Criminal Law and Criminology* 278-82.

Feeney, Floyd (1972). "Citation in Lieu of Arrest: The New California Law", 25 *Vanderbilt Law Review* 367-95.

Feeney, Floyd (1982). *Police and Pretrial Diversion* (Lexington, Mass.: Lexington Books.)

Felker-Kantor, Max (2018). *Policing Los Angeles*. (Chapel Hill: Univ. North Carolina Press.)

Fogelson, Robert (1977). *Big-City Police* (Cambridge, Mass.: Harvard Univ. Press.)

Friedman, Barry, and Maria Ponamorenko (2015). "Democratic Policing", 90 *NYU Law Review* 1827-1907.

Friedman, Lawrence, and Robert Percival (1982). *The Roots of Justice: Crime and Punishment in Alameda County, California, 1870-1910.* (Chapel Hill: Univ. North Carolina Press.)

Goldstein, Herman (1977). *Policing a Free Society* (Cambridge, Mass.: Ballinger.)

Goldstein, Herman (1979). "Improving Policing: A Problem-Oriented Approach," 25 *Crime and Delinquency* 236-58.

Goldstein, Herman (1990). *Problem-Oriented Policing.* (New York: McGraw-Hill.)

Harmon, Rachel (2016). "Why Arrest?" 115 *Michigan Law Review* 307-64.

International Association of Chiefs of Police (various years). *Proceedings of the IACP.*

International Association of Chiefs of Police (2016). *Citation in Lieu of Arrest*, April.

IACP/University of Cincinnati Center for Police Research and Policy (2018). "Deconstructing the Power to Arrest: Lessons from Research", March 15, 2018

Hall, Jerome (1936). "Legal and Social Aspects of Arrest without a Warrant", 49 *Harvard Law Rev.* 566-92.

Johnson, David R. (1979). *Policing the Urban Underworld* (Philadelphia: Temple Univ. Press.)

Kelling, George, and Mark Moore (1988). "The Evolving Strategy of Policing," 4 *Perspectives on Policing*. (Washington, DC: National Institute of Justice.)

Klinger, David (1996). "Quantifying Law in Police-Citizen Encounters", 12 *Journal of Quantitative Criminology* 391-415

Lane, Roger (1967). *Policing the City* (Cambridge: Harvard Univ. Press)

Levine, Jerald (1971). *Police, Parties, and Polity: The Bureaucratization, Unionization, and Professionalization of the New York City Police, 1870-1917*. Ph.D. Dissertation, University of Wisconsin, Department of History.

Lvovsky, Anna (2017). "The Judicial Presumption of Police Expertise", 130 *Harvard Law Review* 1995-2081.

Lundman, R.J. (1979) "Organizational Norms and Police Discretion." 17 *Criminology* 159-71.

Miller, Wilbur (1977). *Cops and Bobbies: Police Authority in New York and London, 1830-70*. (Chicago: Univ. Chicago Press.)

Mitrani, Sam (2013). *The Rise of the Chicago Police Department: Class and Conflict, 1850-1894* (Champaign, Ill.: Univ. Illinois Press)

Moley, Raymond (1932). *Tribunes of the People: The Past and Future of New York's Magistrates' Courts* (New Haven: Yale Univ. Press)

Monkkonen, Eric (1979). "Criminal Justice History: Some Suggestions", *Journal of Interdisciplinary* 451-64

Monkkonen, Eric (1981). *Police in Urban America.* (New York: Cambridge Univ. Press.)

Monkkonen, Eric (2006). *Police Departments, Arrests and Crime in the United States, 1860-1920*. (Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2006-01-12).

Municipal Court of Chicago (1921). *Fifteenth Annual Report* (Chicago: Author.)

Nadel, Melissa, George Pesta, Thomas Blomberg, William Bales, and Mark Greenwald (2018). "Civil Citation: Diversion or Net Widening?" 55 *Journal of Research in Crime and Delinquency* 278-315.

National Association of Chiefs of Police (1898). *Proceedings of the Fifth Annual Convention* (Grand Rapids, MI: Seymour and Muir.)

National Commission on Law Observance and Enforcement (1931). *Report on Criminal Procedure*, no. 8.

Oliver, Wesley (2011). "The Modern History of Probable Cause," 78 *Tenn. L. Rev.* 377-429.

Oliver, Willard (2013). "Bruce Smith, Sr.: The Namesake of ACJS's Most Prestigious Award". Greenbelt, MD: ACJS. www.acjs.org/resource/resmgr/historian/acjs_bruce_smith_sr.pdf

Oliver, Willard (2017). *August Vollmer: The Father of American Policing*. (Durham, North Carolina: Carolina Academic Press.)

Page Commission (1909). *Proceedings of the Commission to Inquire into the Courts of Inferior Criminal Jurisdiction in Cities of the First Class* (Albany: J.B. Lyon Company).

Page Commission (1910). *Final Report of the Commission to Inquire into the Courts of Inferior Criminal Jurisdiction in Cities of the First Class* (Albany: J.B. Lyon Company).

Philadelphia Police Department (1883). *Manual of Rules and Regulations for the Government of the Police Force of the City of Philadelphia* (Philadelphia: F. McManus, Jr. & Co.)

Phillips, Mary (2014). *The Past, Present, and Possible Future of Desk Appearance Tickets in New York City* (New York: Criminal Justice Agency.)

President's Task Force on 21st Century Policing (2015). *Final Report of the President's Task Force on 21st Century Policing*. (Washington, DC: Office of Community Oriented Policing Services)

Richardson, James (1970). *The New York Police: Colonial Times to 1901.* (New York: Oxford Univ. Press.)

Rose, Solon (1924)."Traffic Violations and the Court: Detroit's Violation Bureau," 116 *Annals* 115-20

Sabel, Charles, and William Simon (2012). "Contextualizing Regimes", 110 *Michigan Law Review* 1265-1308.

Sacks, Marcy (2005). "'To Show Who Was in Charge: Police Repression of New York City's Black Population at the Turn of the Twentieth Century", 31 *Journal of Urban History* 799-819.

Scott, Arthur (1930). *Criminal Law in Colonial Virginia* (Chicago: Univ. Chicago Press)

Steinberg, Allen (2014).. *The Transformation of Criminal Justice: Philadelphia, 1800-1880* (Chapel Hill: Univ. North Carolina Press.)

Seo, Sarah (2019). *Policing the Open Road.* (Cambridge, Mass.: Harvard Univ. Press.)

Sklansky, David (2011). "The Persistent Pull of Police Professionalism". *New Perspectives in Policing* (Washington, DC: National Institute of Justice.)

Sparrow, Malcolm (2016). *Handcuffed* (Washington, DC: Brookings.)

Taylor, Charles (1985). *Philosophy and the Human Sciences*. (New York: Cambridge Univ Press.)

Thacher, David (2015). "Olmsted's Police", 33 *Law and History Review* 577-620

Thacher, David (2019). "The Aspiration of Scientific Policing", 44 *Law & Social Inquiry* 273-97.

Thale, Christopher (2004). "Assigned to Patrol: Neighborhoods, Police, and Changing Deployment Practices in New York City Before 1930", 37 *Journal of Social History* 1037-64.

Veiller, Lawrence (1913). *Three Years of Progress in New York's Police' Courts,* Report to the Committee on Criminal Courts of the Charity Organization Society), December. [Community Service Society Records, Box 111, Columbia University Rare Book and Manuscript Library.]

Vera Institute of Justice (1972). *Programs in Criminal Justice Reform*, Ten Year Report (New York: Author.)

Vera Institute of Justice (1975). Annual Report to the Ford Foundation.

Wagner, Brian (2009). *Disturbing the Peace: Black Culture and the Police Power after Slavery* (Cambridge, Mass.: Harvard Univ. Press)

Walker, Samuel (1977). *A Critical History of Police Reform* (Lexington, Mass.: Lexington Books).

Walker, Samuel (1982). "Counting Cops and Crime", 10 *Reviews in American History* 212-7;

Warner, Sam (1942). "The Uniform Arrest Act", 28 *Virginia Law Review* 315-47.

Warren, George (1942). *Traffic Courts* (Boston: Little, Brown, and Co.)

Watts, Eugene (1983) “Police Response to Crime and Disorder in Twentieth-Century St. Louis”, 70 *The Journal of American History* 340-358.

Welsh, Wayne (1993). “Changes in arrest policies as a result of court orders against county jails”, 10 *Justice Quarterly* 89-120

Wertsch, Douglas (1987). “The Evolution of the Des Moines Police Department.” 48 *Annals of Iowa* 435-49.

Whitcomb, Debra, Bonnie Lewin, and Margaret Levine (1984). *Citation Release* (Washington, DC: U.S. Dept. of Justice.)

Wiebe, Robert (1966). *The Search for Order, 1877-1920*. (New York: Macmillan.)

Willemse, Cornelius (1931). *Behind the Green Lights.* (Garden City, N.Y. : Garden City Publishing.)