Received: 17 August 2022 | Revised: 18 March 2023 | Accepted: 22 March 2023

DOI: 10.1111/1745-9125.12337

CRIMINOLOGY

ORIGINAL ARTICLE

Settling institutional uncertainty: Policing Chicago and New York, 1877–1923

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We thank the Phelan US Centre of the London School of Economics for the support that made this research possible, as well as Vaneeza Jawad for superlative research assistance. For their generative feedback, comments, and insights at assorted stages throughout the article's production, the authors thank Pascual Cortés, Malcolm Feeley, Tim Newburn, Tony Platt, Gil Rothschild-Elyassi, Paul Rock, Amanda Sheely, Jonathan Simon, Tobias Smith, and the anonymous reviewers.

Abstract

We show how both the Chicago Police Department and the New York Police Department sought to settle uncertainty about their propriety and purpose during a period when abrupt transformations destabilized urban order and called the police mandate into question. By comparing annual reports that the Chicago Police Department and the New York Police Department published from 1877 to 1923, we observe two techniques in how the police enacted that settlement: *identification* of the problems that the police believed themselves uniquely well equipped to manage and *authorization* of the powers necessary to do so. Comparison of identification and authorization yields insights into the role that these police departments played in convergent and divergent constructions of disorder and, in turn, into Progressivism's varying effects in early urban policing.

KEYWORDS

authorization, disorder, historical criminology, identification, policing, Progressivism

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> . . . without the authority of an indisputable force—
> always visible, always ready—chaos would reign.
> Robert H. Wiebe, *The Search for Order, 1877–1920* (1967, p. 79)

1 | INTRODUCTION

A criminological axiom holds that the police mandate in liberal democracies is perennially unsettled. Weighty and enduring questions that refuse conclusive answers ask what the police ought to do, how they ought to do it, and from where they derive their authority (Bayley, 1996; Goldstein, 1977; Jones et al., 1996; Reiner, 2010; Sklansky, 2007). Two insights follow from that axiom. First, excepting authoritarian regimes, claims that the police mandate is *ever* settled are illusory (Soss & Weaver, 2017; see also Goodman et al., 2017). Foreclosed deliberation about the police mandate saps the consent of the governed and thwarts the rule of law. Second, the police are not autonomous from that deliberation (Brodeur, 2010; Dubber, 2005). To the contrary, they contribute to setting—and settling—uncertainty about the proper bounds of police power. Both insights stoke persistent criminological curiosities: *What role do the police play in settling questions about their propriety and purpose*?

History provides particularly helpful resources with which to think through the part that the police play in settling that uncertainty. Yet a prevailing approach when studying how the police's propriety and purpose take shape tends to downplay historical antecedents. Criminologists have examined the departures between discursive promises about what the police say they will do and the practical realities of what they in fact do (Goldstein, 1977; Newburn, 2022); or they have examined how police practices constitute and distort the police power (Harcourt, 2001; Skolnick, 2011); or they have looked at how police officers traverse different interpretations about their role as a matter of ordinary course (Fassin, 2013; Wilson, 1968). Downplaying the police mandate's historical dimension capitalizes on the strengths of seeing, in real time, how police work is inextricable from negotiating what that work ought to entail. However, that ahistoricity leaves unmined rich criminological ore. In particular, it takes for granted features of the police mandate that, over a long historical process, have settled and sedimented themselves in ways that the modern eye struggles to see.

Extending the criminological axiom, although the police mandate in liberal democracies is perennially unsettled, nonetheless there have been periods during which that unsettlement was particularly pronounced. The half-century that followed Reconstruction surely qualifies as one such period. During those decades, interest groups who seized on Reconstruction's foiled promise to pin individual rights to social justice remade the emerging nation's legal and political order (Edwards, 2015; Forbath, 2008; Novak, 2022). Amid that remaking roiled an "ambivalent" exercise of power whose unsettlement "gave the United States a criminal justice system in which there was all too often neither state nor law" (Dale, 2008, p. 140). What Reconstruction had upended, state actors at various levels then sought to calm, remake, and *settle*.

During those years, police departments in large American cities consolidated into institutions recognizable as early "modern" law enforcement agencies. The abrupt social and political flux that characterized the years from the 1877 Compromise to Warren Harding's fateful "return to normalcy" necessitated reforms that, among other things, paved the path for the establishment of the modern police. Although initial questions about how to pay for, clothe, and arm the police in large urban departments had been mostly answered by 1877, deeper questions lingered for decades about how to reform those departments to suit the modern city's needs. Those reforms were evident in developments internal to the police form, such as professionalization, bureaucratization, standardization, and centralization (e.g., Friedman, 1994, ch. 7; Walker, 1980). Proponents argued that those developments represented solutions to problems that stemmed from disorganization and fragmentation, and that impeded the smooth functioning of a police department fit for purpose in cities undergoing rapid industrialization, mass migration, the spare regulation of business and development, and tightening strictures of Jim Crow.

But during those same years, foundational questions also emerged about what service the police ought to provide and how they ought to provide it. As modern police departments took shape, they were urgently pressed to present a case to constituents who were uncertain about police power's proper scope and application. Institutional uncertainty thus shrouded the police mandate. Amid that institutional uncertainty about what service the police might provide, police departments advocated not just for the suitability and competence of the police, in general, but also for the specific form that each department ought to take. How did they make that case? How, during the Gilded Age and Progressive Era, did police institutions settle institutional uncertainty surrounding their propriety and purpose?

Institutional uncertainty about the police mandate was susceptible to different interpretations, as were the techniques that different police departments used to settle that uncertainty. Two of the most prominent departments were in Chicago and New York City. We draw on annual reports published between 1877 and 1923 to tease out and compare the techniques that the police departments in Chicago (CPD) and New York (NYPD) used. The annual reports that each city published during this period showcase how police reformers and practitioners sought to legitimate the police department's propriety in a complex world. On the surface, the annual reports abound in tedious minutiae of departmental finances, operations, and practices. But the reports also reveal shifting priorities that insist on the propriety of the police when such a case had not yet been convincingly made. In those annual reports, we find two techniques with which the CPD and NYPD expressed those insistences; namely, both police departments *identified* the disorders they believed themselves uniquely well equipped to manage, and they *authorized* themselves to manage them. Similarities and differences in how those techniques play out are instructive. At the century's turn, as both departments became more self-conscious of their work's significance, they reconstrued threats to order as threats to statecraft itself. At the same time, the manner in which they did so reflected key differences: Where Chicago's police department stressed the need to preserve commercial tranquility as order maintenance's core objective, New York's police instead alighted on challenges to ethnonational control.

2 | HISTORICIZING PROGRESSIVE POLICING

The 50 years that followed Reconstruction marked a period of extraordinary transformation. Amid frenetic urbanization, industrialization, and mass migration, a reform sensibility emerged that pitted competing visions of state and society against one another. Progressivism[1] materialized out of those unresolved contests as many things at once: a political movement to "reconstruct the basis of American democracy" (Du Bois, 1934, p. i); an ideological compromise to reconcile frictions between the classical liberalisms of *laissez-faire* and the incipient liberalisms of New Age social progress (Forbath, 2008); an administrative bargain that inked the new social contract (Novak, 2022); a social reordering project to stabilize modernity's disruptions (Wiebe, 1967); and an intellectual zeitgeist that clumsily fused puritanical utopianism with positivist sensibilities of change (Garland, 1985). Yet for all the challenges bound up in defining Progressivism, its unifying feature was a commitment to reform that implicates two criminologically resonant concerns.

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[1] We follow historical convention (for a review, see Johnston, 2002) in attaching "Progressive" to two related, yet different uses: By way of clarification, one use imagines a discontinuity between the periods that encompass our data, namely, the Gilded Age from Reconstruction's end in 1877 to the century's turn and the Progressive Era that extended approximately two decades thereafter; another use of the word instead imagines a continuity in the Progressive spirit of reform across both periods.

The first criminological concern pertains to the state's capacity to solve problems. Relevant to that concern, the reformist commitment rested on two modernist insights. The first such insight was an insistence that problems that had been imagined as accompanying industrialization and urbanization were not "inevitable" (e.g., Fuller & Myers, 1941, p. 25; see also Frank, 1925) as had once been believed. Rather, modernism fixed the reformists' preoccupations with unemployment, infant mortality, mass disease, and poverty to the conviction that those problems were man-made and altogether avoidable (O'Connor, 2009). The second modernist insight, which mirrored European *belle époque* sensibilities, was that because those social problems were man-made, they were also soluble. Contrary to the worry that societies experiencing the pangs of modernization were careening, the conviction that social problems were man-made instead held a liberating promise: judiciously and competently applied intervention could mitigate or even neutralize problems of the new social order (McCann, 2011). Progressivism was nothing if not selectively optimistic.

Progressivism's second criminological concern pertains to the appropriate scope and form of state intervention. Progressivism's selective optimism triggered bitter contests between competing and overlapping proponents of different reform manifestoes. Hard-line formalists counseled that a liberal legal order could contain radical impulses (Pound, 1954; Tomlins, 2000); technocrats insisted that the "science of governance" might supply optimal interventions from economics and political administration (Akin, 1977; Moss, 1996); grandees cautioned that a protected class of elites was best positioned to govern the masses and the "rabbles" (Ely, 1891; Leonard, 2017); and institutionalists pointed to the moderating safeguards of bureaucratic constraint (Maxwell, 1968; Weyl, 2017). Progressivism was thus inseparable from indeterminacy about the state's role, except insofar as that indeterminacy resulted in redrawing the boundaries between private and public life, designating problems as worthy sites of control, and making massive intrusion of state power into citizens' lives both palatable and indeed urgently welcome (Gould, 2013).

Criminologists follow mixed cues in historicizing Progressivism's indeterminate effects. One historiography analogizes developments in criminal justice to developments in adjacent domains of social policy like health, agriculture, education, housing, poverty management, and much else besides. That approach answers questions about how penal institutions negotiated and settled prevailing uncertainties about their mandate by pointing to Progressivism's general and far-reaching zeitgeist. Examples in this tradition emphasize the centrality of bureaucratic efforts to professionalize and centralize penal power (e.g., see Ansell & Lindvall, 2020; Friedman, 1994; Steinberg, 1989; Stuntz, 2013; Walker, 1980), sometimes with specific reference to courts (e.g., Fiss, 1983; Friedman & Percival, 2017; Green & Roiphe, 2020; Tanenhaus, 2004) or corrections (e.g., Knupfer, 1999; Rafter, 2017; Rubin, 2021).

Bureaucratic reforms likewise enjoy center stage in many histories of Progressive policing. There, criminologists historicize professionalization and centralization as functional solutions to either or both of two concerns. The first concern looked backward. In these analyses, the fragmented and hyper-local governance that characterized constabulary-style urban policing before Progressivism nourished machine politics, selective enforcement, corruption, incompetence, and vigilantism. The second concern looked forward. As emergent problems arose from new urban forms, so too controlling those new problems necessitated a police institution that would be fit for purpose. The need to professionalize was thus more than "a collapse of old strategies for controlling familiar forms of bad behavior; it involved a shift in what sort of behavior counted as 'bad' in the first place" (Thacher, 2015, p. 578). Irrespective of which concern prompted bureaucratization, efforts to address either one stemmed from a reaction against organizational imperfections internal to the police form itself (Bayley, 1990; Ethington, 1987; Lane, 2013; Levett, 1975; Walker, 1977).

A second, overlapping historiography emphasizes how penal institutions struggled—and failed—to reconcile Progressivism's contradictions. Although that approach recognizes bureaucratization's centrality to Progressive histories generally, its exponents are ambivalent about its centrality to penal development, in particular. They instead focus on how a distinctively Progressive penality emerged that mixed dissonant claims about both the (im)mutability of penal subjects on one hand and the shape and form of criminal justice intervention on the other (e.g., Burton, 2019; Garland, 1985; Pifferi, 2016; Whitman, 2005), sometimes again with specific reference to courts (e.g., Platt, 1977; Tanenhaus, 2004; Willrich, 2003) or corrections (e.g., Harcourt, 2008; McLennan, 2008; Rothman, 1980; Simon, 1993).

Histories of American policing likewise trace the emergence of Progressive penality, but they do so through a variety of inflections. One inflection observes the creation of new sites of police control as arising from Progressive reformers' fervid preoccupation with disorder and "moral hygiene" (e.g., Fogelson, 1977; Monkkonen, 1981). A more self-consciously Marxist inflection pits elites and capital against labor movements and historicizes Progressive policing as stemming from demands for new tools with which to stabilize class interests (e.g., Cooper et al., 1975; Harring, 1976; Mitrani, 2013). A genealogical inflection theorizes the Progressive police as constituting distinctive and enduring interpretations of order, security and power (e.g., Dubber, 2005; see also Campesi, 2016, and Neocleous, 2000). A consistent theme throughout the foregoing inflections is that the police enforce more than the "mere" threats of the everyday, which are visible in what Manning (1977, p. 106) described as the visibility of "criminal policing," and in what Brodeur characterized as the "forceful reaction to *conspicuous* signs of disorder" (1983, p. 512) that is typically "directed against persons of low status" (Brodeur, 2010, p. 226). Instead, as a criminology of policing statecraft, these histories imagined the police as instrumental in what Brodeur (2010) described as the protection of the political regime; in what Marenin (1982) called the "general order" that "embraces the interests of all"; and in what Sparks (1980) characterized as the policing of "prohibitions aimed at protecting the essential conditions of organized existence." In its plainest formulation, it is the "protection of the state apparatus" (Brodeur, 2010, p. 227).

In explaining how penal institutions settled uncertainty about their propriety and purpose, the foregoing police histories emphasize developments either internal to the police form but broadly common to Progressivism (i.e., their bureaucratization and professionalization) or external to the police but narrowly penal (i.e., their contribution to an emergent penal sensibility). Our focus instead foregrounds whether Progressivism's penal effects were uniform or varied, prominent in one institution yet subdued in another, and more internal to the police form 'over here' but external to it 'over there.' To do so, we contend that criminologists stand to gain the most insight about how penal institutions settled uncertainties about their propriety and purpose through a comparison of how those efforts varied between similarly situated cases. Such an effort narrows comparative police history from an analysis of police forces that were subject to different macrostructural forces (e.g., Bayley, 1990; Emsley, 2000; Lawrence, 2013; Raeff, 1975) to one that instead seeks to hold constant, to the extent plausible, the pressures that macrostructural forces such as Progressivism exerted. To that end, police departments are a well suited, yet underused point of criminological departure since American police departments are more numerous, less overseen, and more subject to discretionary variation than their judicial or correctional counterparts. If Progressive penality were interpreted and maneuvered differently in different contexts, then a comparison of two similarly situated police departments that shared Progressivism's burden would best expose how they did so.

3 | COMPARING CHICAGO AND NEW YORK

We compare annual reports that the CPD and NYPD produced during the years 1877 to 1923. These two departments and the cities they respectively policed are particularly well suited for the analysis that follows. First, both cities underwent comparably huge change. Census estimates record Chicago's population ballooning from less than half a million to almost three million in the half-century preceding 1920; in New York, the numbers climbed from a million to more than five and a half million residents (U.S. Decennial Census, 1870, 1920). Alongside the swelling numbers of residents, both cities enjoyed comparably transformative injections of capital and migrant labor, and they both struggled with the dizzying inequalities and cultural antagonisms that ensued (Chambers, 2000; Gould, 2013). The arrival in Chicago of trains from the South and in New York of ships from the East inflamed nativists, segregationists, and opportunists who sought to profit from the two cities' different profiles of urban disorder, crime, and insecurity (Asbury, 1928/2001, 1940/2003; Baldwin, 2007; Cannato, 2009). Meanwhile, in both cities raged bitter strikes, bloody counter-clashes, devastating fires, financial crises, housing shortages, and they did so in the shadow of Prohibition, one deadly global pandemic, countless wars, and more. The CPD and NYPD were thus called on to impose order during a historical period characterized by massive unrest (Monkkonen, 1981; for Chicago, see Mitrani, 2013; for New York, see Miller, 1999; Richardson, 1970).

But this article mines a deeper insight than the observation that the CPD and NYPD imposed order in cities whose seismic changes spurred unrest. We instead capitalize on how that unrest coincided with institutional uncertainties about what service the police imagined they were expected to provide, what authority they imagined had been vested in them to provide it, and how competently they imagined they delivered it. Although Chicago had legally codified its constable system as early as 1853, informal justice persisted for at least another 2 years before the Lager Beer Riot of 1855 exposed that system's impotence and the CPD was founded in earnest (Mitrani, 2013, pp. 17–25). New York's police department likewise originated in law earlier than in fact. The Municipal Police Act passed in 1844 codified a watch system that proved unable to quell violent disorders until the NYPD was established at the New York City Council's request the next year (Miller, 1999; Richardson, 1970). The institutional uncertainty that overshadowed both departments' genesis endured for decades: Shortly before the Civil War, both departments had imperfectly resolved jurisdictional disputes between rivalrous law enforcement agencies. In Chicago, the imperfect resolution entailed first severing mayoral oversight of the police in 1861, followed by reinstating City Hall's police appointment powers thereafter in 1875 (Flinn & Wilkie, 1887). In New York, the imperfect resolution entailed quelling Tammany Hall's resort to the city-run Municipals as instruments of machine politics. It did so by consolidating the fragmented police forces under the new state-run Metropolitans in 1857. Corruption persisted in both cities despite organizational reforms originating from Albany and Springfield that transformed police recruitment from securing partisan fealty into civil service autonomy from political interference (Berman, 1987; Mitrani, 2013). The NYPD's commissioner reflected unhappily on those reform efforts, observing in his department a "muck-heap of scandal, corruption and conspiracy" that persisted well into the twentieth century (McAdoo, 1906, p. 2). Chicago's City Council likewise bemoaned the "graft, favoritism, and political influence" that resulted in its police force's "incompetence, lack of discipline, and aggressiveness … on a large scale" (Merriam Committee, 1915, pp. 10–11). What remained was a fragile mixture of public and private policing (e.g., Obert, 2018), unbounded authorities (Monaghan, 2021), and selective enforcement (e.g., Balto, 2019; Guariglia, 2019).

4 | ANALYZING ANNUAL REPORTS

We draw on annual reports published by the NYPD and CPD between 1877 and 1923. Our sample contains 80 total annual reports out of a possible 92. In some instances, a report's absence stemmed from the archive's sporadic coverage. In other instances, police departments never produced a report, such as when an NYPD superintendent accounted for the preceding 13-year silence by attesting that an annual report was "not called for by the former Mayors" [NY1885:5].[2] Reports displayed wide variation in both their form and their substance. Some extended no longer than a single page; others sprawled across many hundreds. They teem with tables that catalogued administrative minutiae pertaining to recruitment, retention, insurance, and retirement; they enumerated costs of the physical plant, uniform procurement, and weapons maintenance; they tallied rudimentary official statistics about crime, justice, and order; and they narrativized police successes and failures. But our focus in analyzing these annual reports is neither to extract empirical truths about enforcement as such nor to capture details about how individual actors contributed to regulatory and policy change. Instead, since annual reports are among the few recurrent sources of organizational expression and public communication in late nineteenth and early twentieth century policing—predating even the Federal Bureau of Investigation's Uniform Crime Reporting Program—they yield valuable historical insights about how police departments positioned themselves in a contested penal field. Like prior analyses, we understand annual reports as exposing, foremost, the discursive strategies and constructions that penal organizations, including the police, deploy (Churchill, 2017; Harring, 1977; Timmerman, 1929).

Specifically, the annual reports function in two ways that inform our analysis. First, annual reports served an instrumental function of record-keeping and making public requests. In that sense, annual reports were managerial tools for documenting department affairs, which informed bureaucratic decisions about needs and priorities. Second, annual reports served a legitimation function whereby a police department could strategically position itself in a penal field to manage its reputation, confront crises, and consolidate organizational power. Reports typically open with a letter formally addressed to elected officials, usually to the mayor and city council. But the reports also contain clues that hint at how both departments sought to constitute publics and address audiences across and beyond their cities. For instance, the CPD boasted "that the value of the statistical information prepared by this Bureau [of Records] is being appreciated more each day is made noticeable by the increasing number of calls from public officials, students of sociology and others for facts concerning crime and criminals as gathered from our records" [C1906:81]. The NYPD demanded additional print copies to meet the "requests which are received for such an annual report from outside sources" [NY1905:9]. Annual reports are therefore invaluable in historicizing how police departments narrativize the behaviors they claim to enforce (Balto & Felker-Kantor, 2022; see also Haggerty, 2001, for an extension beyond policing). The situated perspective and self-conscious partiality that annual reports express thus reveal key insights about how police departments affirmed the significance and necessity of the work they performed.

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[2] We denote citations to primary source materials using square brackets to distinguish them from references to scholarly literature, according to the following convention: [{City code "C" or "NY"}{Year}:{Page}]. For example, the citation that signals this footnote denotes the New York Police Department's annual report, published in 1885, at page 5. Citations to scholarly literature instead appear in parentheticals following the standard convention.

Analysis proceeded in two stages. First, we conducted a "flexible coding" (Deterding & Waters, 2021) of the annual reports, with a specific focus on how the police narrativized their work. Such narratives either prefaced the reports or they were interspersed in smaller sections throughout. Prior scholarship on the historical politics of policing organizations and initial reviews of the annual reports informed our construction of index codes. We settled on the core concepts of our analysis through weekly discussions and the exchange of reflection and analysis memos. We then narrowed broad index codes into more specific line-by-line codes (see table 1). We continued to compose, exchange, and deliberate over reflective memos wherein we aimed to capture patterns across cases.

In the second stage, we interpreted the data that the police had tabulated in the reports, with a specific focus on the categories of action the tables contained. For example, in every annual report, the police department listed the crime categories and frequencies of the past year. As opposed to analyzing unreliably reported crime rates, the selection of crime categories themselves project which of a department's activities the police saw fit to communicate. We mapped changes in crime categories in two ways. First, we traced the "life span" of each crime category across the reports to identify how long they appeared and whether they branched off or consolidated into other crime categories. Second, drawing on the NYPD's taxonomies, we inductively coded each crime category into index categories to consolidate similar crimes. We identified eight index categories: 1) *violent crime* (e.g., assault and murder); 2) *crimes of indecency* (e.g., prostitution and adultery); 3) *violation of property rights* (e.g., arson and burglary); 4) *challenging state power* (e.g., illegal voting and inciting a riot); 5) *abuse against the vulnerable* (e.g., bastardy and selling liquor to minors); 6) *fraud* (e.g., passing counterfeit money and confidence games); 7) *traffic violations* (e.g., reckless driving and auto operator intoxicated); and 8) *miscellaneous* (e.g., accessory to a crime, compounding a felony, and other misdemeanors). Tracking changes over time in both the index categories and their constituent crime categories sheds light on the behaviors that each department assumed the authority to police.

5 | SETTLING INSTITUTIONAL UNCERTAINTY

The CPD's and NYPD's contemporaneous move to professionalize and bureaucratize is evident in both the annual reports' form and substance. Regarding their form, the reports developed from austere texts without a specified audience in the 1870s, capturing an abbreviated list of the department's activities, to thorough catalogues addressed to the mayor or city council in the 1920s, stuffed with pictorial insets, ornate margins, and imaginative charts. The narratives and tables likewise captured increasingly detailed facts, beginning in the 1870s with only arrest data and total expenditure and culminating in the 1920s with details about obituaries, pension solvency, physical plant needs, performance in promotion examinations, and more. What originated as a record of penal success and failure developed into a human resources catalogue, consistent with both departments' professionalization and bureaucratization.

Regarding their substance, the reports speak to how both the CPD and the NYPD claimed they met the challenges that Progressivism thrust on them with hard-nosed practicality that reveals

TABLE 1 Sample Index and Line-by-Line Codes

Index Codes	Line-by-Line Codes	Example
Annual reports	Defining purpose of annual report	“I have the honor to submit this, my annual report of the Police Department, showing the present strength and condition of the force, and reviewing briefly the duties performed by it, during the past year.” [C1877:3]
	Addressing target audience	“Hon. WM Hale Thompson, Mayor, City of Chicago.” [C1916:6]
State of policing	Describing police powers	“All police work is complicated by the fact that it consists really of two great divisions: one, the duty of the police to protect the citizen from the acts of others; the other, the duty of the police to protect the citizen from his own acts.” [NY1917:5]
	Describing police professionalization	“The system of examination, physical, intellectual and moral, of all applicants for appointment is, perhaps, the best that could be devised to secure proper material for the maintenance of the Police Force … it is a matter of congratulation that so very few improper men get into the force.” [NY1885:16]
Institutionalization	Demanding new legal authority	“The Vagrancy law of this State is so notoriously deficient and inoperative, as compared with Vagrancy laws adopted elsewhere, that it is next to impossible to. obtain a conviction under it, except possibly in case of a thief, who happens to be well known to the police, and even then only by a jury trial. I would strongly urge that the State Legislature be solicited to properly amend the law in this respect, at its next session, so as to make it of some practical use.” [C1878:18]
	Requesting organizational resources	“An increase of the patrol force is almost indispensably necessary. Many important and densely populated sections of our city are inadequately protected, and frequent applications are made for Police protection which the Board of Police are compelled to deny while recognizing the necessity which prompts the several applications.” [NY1888:6]

(Continues)

TABLE 1 (Continued)

Index Codes	Line-by-Line Codes	Example
Crime and criminality	Identifying cause of crime	“There is also very little doubt that these lodgers, or a large majority of them, are petty thieves and beggars by choice, rather than of necessity.” [NY1885:28]
	Identifying criminal populations	“Foreigners come here, totally unacquainted with [the city’s laws], violate them, and cannot or will not understand the nature of their offense when a policeman tries to explain it.” [NY1920:31]
Legitimation	Claiming police effectiveness	“The aggressive and persistent warfare waged against gambling has reduced that fascinating form of law-breaking to a minimum.” [C1904:26]
	Comparing with peer police departments	“The area of territory embraced in the city limits is about the same as that of New York City, where the Police force numbers 2,560 men. The inhabited territory of Chicago which needs to be travelled by Patrolmen is about 8,000 acres–divide this number of 225 and you have the night Patrolman for each 80 acres; divide by 75 and you have one day Patrolman for each 240 acres.” [C1883:21]
	Comparing with other city institutions	“If the Courts for any cause are more considerate of the defendants than they are of their victims, the work of the police is neutralized, the community suffers, and the officers are unjustly blamed for conditions for which others are largely responsible.” [C1904:9]

enduring, yet at times divergent, constructions of the problems necessitating police intervention. Strategic police constructions of disorder were layered atop more settled crime categories, such as violent or property crimes, that observers even today would associate with the core policing mandate.[3] In contrast, identifying threats to order enabled both police departments to demand the authority, resources, and public support needed to legitimize and institutionalize themselves.

Specifically, from the 1870s to the 1920s, both the CPD and the NYPD communicated the urgency of everyday threats to order. Abating these threats required new legislation and organizational resources that authorized the police to intervene in quotidian transgressions like vagrancy, prostitution, and intemperance. But at the turn of the nineteenth century, both police departments described in their annual reports how policework entailed confronting problems that the police constructed as threats to statecraft itself like public unrest, electoral fraud, and ethnoracial instability. Yet unlike the threats to everyday order, the police departments constructed different putative threats to statecraft: Where the CPD stressed the need to preserve commercial tranquility as core to order maintenance, the NYPD underscored challenges to White nationalism. The annual reports suggested that neutralizing these threats to statecraft required policing—and both departments petitioned for investment in the necessary legal authority and organizational resources to enable that neutralization. The two sections below discuss these points of convergence and divergence in how the police constructed threats across both time and place.

5.1 | Policing Disorder

When police duties were still in flux, the annual reports represented opportunities for the CPD and NYPD to make their mandates explicit. For example, the NYPD articulated police power as "the system of internal regulations of a State or Municipality by which it is sought not only to preserve the public order and to prevent crime, but also to establish, for the intercourse of citizen with citizen, those rules of good manners and good morals which are calculated to prevent a conflict of rights" [NY1919:29]. Even the earliest annual reports from the 1870s—which feature more straightforward tabulation of the value of both reported and recovered stolen property, the number of arrests, and the amount of fines assessed during the year—reflect efforts to publicize police work as valuable contributions to a rapidly evolving society.

But annual reports represented more than opportunities merely to pontificate and preen; the police used reports to identify specific everyday threats requiring police intervention. On one hand, police identified some new offense categories based on practical safety considerations amidst social change. As both cities grew, the CPD and NYPD called for additional enforcement power, expanded jurisdiction, and buttressed capacity to protect suburbanites and to codify sanitation standards. Police also identified themselves as the appropriate agency to respond to transformative technological changes. For instance, after approximately 1915, the NYPD and CPD began enforcing traffic laws regulating automobiles for the first time. New offenses were introduced in both cities—"speeding automobiles," "using muffler cut-out," "glaring headlights," and a variety of licensure and registration requirements—that had been irrelevant before the invention and mass production of cars and the new traffic issues that followed. By connecting these broader

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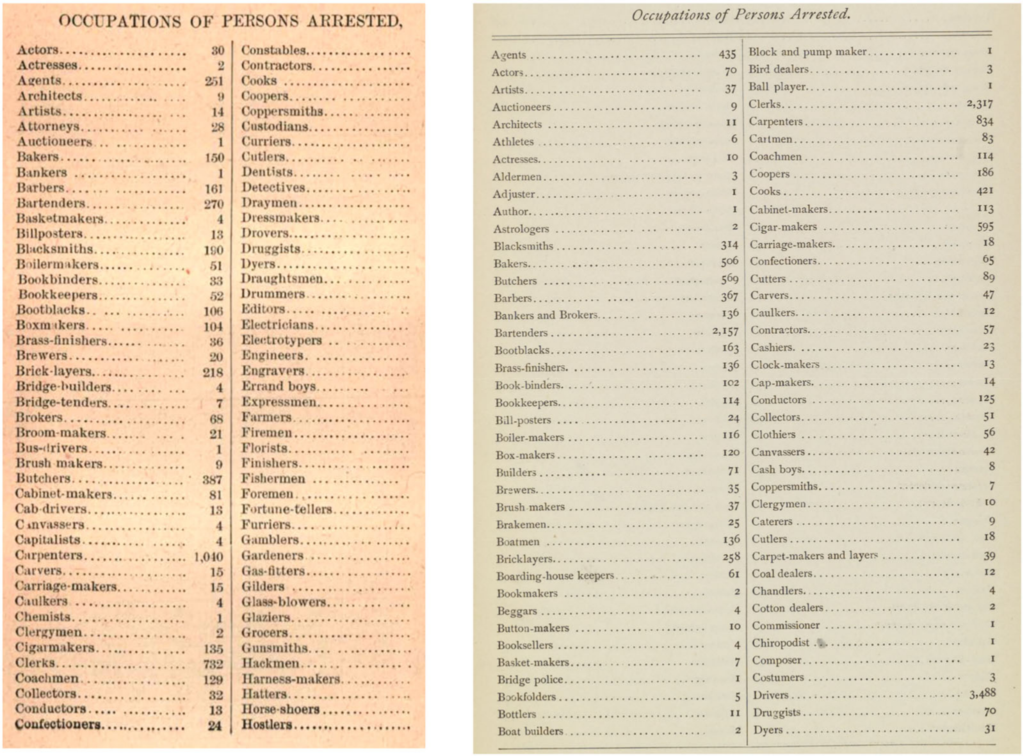
[3] In both cities, most police narratives within the annual reports did *not* focus on more settled crime categories like violent or property crime. Instead, the narratives focused on the threats to order discussed below. Consistent with the logic of "extreme" case analysis (Seawright & Gerring, 2008), finding convergence in the enactment of the most unsettled areas of the police mandate suggests that the more settled areas are likely to have been similarly maneuvered.



(a) 1886 CPD Annual Report

OCCUPATIONS OF PERSONS ARRESTED,

Actors	30	Constables	
Actresses	2	Contractors	
Agents	251	Cooks	
Architects	9	Coopers	
Artists	14	Coppersmiths	
Attorneys	28	Custodians	
Auctioneers	1	Curriers	
Bakers	150	Cutlers	
Bankers	1	Dentists	
Barbers	161	Detectives	
Bartenders	270	Draymen	
Basketmakers	4	Dressmakers	
Billposters	13	Drovers	
Blacksmiths	190	Druggists	
Boilermakers	51	Dyers	
Bookbinders	33	Draughtsmen	
Bookkeepers	52	Drummers	
Bootblacks	106	Editors	
Boxmakers	104	Electricians	
Brass-finishers	36	Electrotypers	
Brewers	20	Engineers	
Brick-layers	218	Engravers	
Bridge-builders	4	Errand boys	
Bridge-tenders	7	Expressmen	
Brokers	68	Farmers	
Broom-makers	21	Firemen	
Bus-drivers	1	Florists	
Brush makers	9	Finishers	
Butchers	387	Fishermen	
Cabinet-makers	81	Foremen	
Cab-drivers	13	Fortune-tellers	
Canvassers	4	Furriers	
Capitalists	4	Gamblers	
Carpenters	1,040	Gardeners	
Carvers	15	Gas-fitters	
Carriage-makers	15	Gilders	
Caulkers	4	Glass-blowers	
Chemists	1	Glaziers	
Clergymen	2	Grocers	
Cigarmakers	135	Gunsmiths	
Clerks	732	Hackmen	
Coachmen	129	Harness-makers	
Collectors	32	Hatters	
Conductors	13	Horse-shoers	
Confectioners	24	Hostlers	

(b) 1886 NYPD Annual Report

Occupations of Persons Arrested.

Agents	435	Block and pump maker	1
Actors	70	Bird dealers	3
Artists	37	Ball player	1
Auctioneers	9	Clerks	2,317
Architects	11	Carpenters	834
Athletes	6	Cartmen	83
Actresses	10	Coachmen	114
Aldermen	3	Coopers	186
Adjuster	1	Cooks	421
Author	1	Cabinet-makers	113
Astrologers	2	Cigar-makers	595
Blacksmiths	314	Carriage-makers	18
Bakers	506	Confectioners	65
Butchers	569	Cutters	89
Barbers	367	Carvers	47
Bankers and Brokers	136	Caulkers	12
Bartenders	2,157	Contractors	57
Bootblacks	163	Cashiers	23
Brass-finishers	136	Clock-makers	13
Book-binders	102	Cap-makers	14
Bookkeepers	114	Conductors	125
Bill-posters	24	Collectors	51
Boiler-makers	116	Clothiers	56
Box-makers	120	Canvassers	42
Builders	71	Cash boys	8
Brewers	35	Coppersmiths	7
Brush makers	37	Clergymen	10
Brakemen	25	Caterers	9
Boatmen	136	Cutlers	18
Bricklayers	258	Carpet-makers and layers	39
Boarding-house keepers	61	Coal dealers	12
Bookmakers	2	Chandlers	4
Beggars	4	Cotton dealers	2
Button-makers	10	Commissioner	1
Booksellers	4	Chiropodist	1
Basket-makers	7	Composer	1
Bridge police	1	Costumers	3
Bookfolders	5	Drivers	3,488
Bottlers	11	Druggists	70
Boat builders	2	Dyers	31

FIGURE 1 Excerpt of Occupational Classification of Arrestees, 1886
[Color figure can be viewed at wileyonlinelibrary.com]
Source: [C1886:28]; [NY1886:33].

social changes to everyday disorder, police legitimated their intervention at the same time that they drew attention to the inadequate resources and authority with which to do so.

Developments in the strategic construction of "crimes of indecency" clarify how the CPD and NYPD solidified their institutional necessity. Crimes of indecency focused on the "vagrant and destitute" who engaged in vice and immorality as "ungovernable" and "unreformable." Figure 1 displays how even the earliest annual reports pin work—and, considering the prominence of the unemployed among the rolls of arrestees work's absence—to police attention.

After identifying crimes of indecency as exigent, both police departments lobbied for jurisdictional expansion, widened enforcement authority, and reinforced organizational resources. In Chicago, the police demanded stronger vagrancy laws to regulate criminal populations entering the city. The CPD explained: "There is no disguising the fact, that the city of Chicago is among the most difficult in the country to protect, owing to the great number of railroad trains that arrive here daily, bringing among their passengers many that need watching" [C1877:31-32]. Furthermore, the constant discharge of prisoners from state institutions like at Joliet troubled the CPD: "Chicago being the nearest city of any prominence, and they having no means to take them further, nine-tenths of them turn their faces in this direction, intending to make their homes here" [C1877:32]. By identifying problems in this way, Chicago's police demanded a more stringent vagrancy law that would empower them to incapacitate, displace, or otherwise neutralize problem populations.

Citing the "progress" made in nearby and peer cities whose investments in their police the CPD deemed more forthcoming—a rhetorical strategy that prevails throughout the annual reports—the CPD petitioned for expulsion powers to manage vagrants from the mayor's office and state legislature.

In subsequent years, inflamed politics over vagrancy enforcement became flashpoints for the police to invoke institutional challenges to their organizational success. In 1877, the CPD lauded the legislature for passing a new vagrant act that "was of the greatest possible benefit and a noticeable assistance to the police in their efforts to keep the city clear of vagrants, tramps, and "bunko" men" [C1877:35]. In fact, the CPD equated the new state law to the "services of fifty policemen" and denied that its stringency threatened the innocent [C1877:35]. Nonetheless, after a circuit judge "virtually decided that the law is unconstitutional," the CPD urged that if the Supreme Court affirmed the ruling, the police would be powerless to keep "this vicious class out of the city" [C1877:35]. The CPD then invoked a familiar rhetorical strategy above, but now transposed to a state-level critique: Lenient laws in Illinois, they cautioned, would attract the vagrant and the errant to "swarm" (Kubie, 2018).

Absent vigorous judicial review, the CPD pursued alternative means of vagrancy enforcement. As the department requested legal amendment to the "notoriously deficient" vagrancy laws [C1878:18], it also petitioned for municipal and state investment in its organizational capacity. First, the CPD called for a "vagrancy detail" to police parts of the city "infested with professional beggars, sore-arm men, phony fakirs [*sic*], and petty thieves, that operate under the several disguises of sick, crippled, peddlers, unemployed and helpless strangers stranded in the city" [C1904:118]. The CPD further cited the experiences in Boston and New York to justify the necessity of a vagrancy detail. Second, 6 years later, the CPD then explained how it instituted "vagrancy reports" that identified and established a record of vagrants in each district [C1910:9]. These vagrancy reports were part of several new forms and reporting requirements designed to improve organizational knowledge and patrolmen effectiveness. Third, in the following year, the CPD established a new "Bureau of Vagrancy" that maintained surveillance over 809 people whom it deemed vagrants within the city [C1911:4]. The CPD extolled the bureau's achievements—227 arrests with fines and sentences ranging from 10 days to 6 months—and insisted that the bureau's surveillance over vagrants was the only recourse to secure convictions given the vagrancy laws' meagerness.

For the police, occupations varied widely in the social value they generated. The NYPD referred to solicitation as an "evil [that] has long been recognized as the most glaring and offensive that is presented to the public view, and one that should be suppressed by vigorous measures" [NY1885:22]. Through arrests for solicitation and disorderly conduct, the NYPD explained that even though some women "may occasionally be found plying their miserable trade, the streets are practically free from the class that infested them" [NY1885:23]. Even if solicitation could not be stamped out completely, the NYPD aimed at minimum to "veil the offensiveness of it from the sight of respectable people passing through our thoroughfares at night" [NY1885:22]. The visibility of a vice, not just its prevalence, mattered to the police in communicating enforcement's value.

Against the backdrop of a connection between labor and social value, police attributed crimes of indecency to immorality and commercialized vice. The NYPD explained how police work in fact consisted of two roles: 1) "the duty of the police to protect the citizen from the acts of others" and 2) "the duty of the police to protect the citizen from his own acts" [NY1914–1917:5]. Whereas the former referred to law enforcement against settled proscribed behaviors like burglary and murderer, the latter involved "the enforcement of laws which regulate [a citizen's] own habits" [NY1914–1917:5]. Examples included control of those who "indulge in the use of cocaine or other habit-forming drugs" or "sell intoxicating liquors at such times and in such places as he chooses" [NY1914–1917:5]. In the 1920 annual report, the NYPD even ordered a survey of commercialized vice across the city and published each district commander's report on the level of gambling, prostitution, opium joints, dance halls, and other venues of vice within their district [NY1920:65].

Gambling epitomized the intersection of immoral behavior and commercialized vice. As the NYPD faced difficulty securing convictions against pool-selling, they did not accept unfavorable judicial decisions; they called for additional resources and legislation to overcome these hurdles. Pool-selling, or bookmaking, refers to registering bets on sporting events like horse racing. The NYPD explained that their citizens "regard[ed] these as the most pernicious form of gaming" [NY1885:22]. In New York, it was legal to place bets only on the grounds of sporting events, so the NYPD began executing arrests for pool-selling off the grounds. Although some pool-sellers solicited bets from steamboats [NY1887:37], most received money at different locations within the city and then actually or allegedly transmitted those bets to the racetrack. When arrested, they claimed they were "common carriers" rather than pool-sellers—they were simply acting as agents on behalf of the wagerers. Despite acquittals of their arrestees, the NYPD declared: "Nevertheless, the Police Force will persist in its efforts to enforce the law as it stands, and will continue to make arrests whenever and wherever there appears to be a violation" [NY1888:34]. In this same year, the NYPD added a new chart in their annual report that itemized the "gambling material seized," which ranged from pool tickets and policy slips to blank pads, hand stamps, and chairs [NY1888:33]. The NYPD then devoted additional resources to the problem of pool-selling, deploying officers as bettors who collected tickets that featured the officer's signature, authorization for the wager, and a small fee to the pool-seller. Again, magistrates ruled the evidence insufficient and the NYPD recommended: "It is suggested that it would be well to change the law so as to make criminal the acts of which evidence can be obtained" [NY1889:35]. In the following year, the NYPD demanded that the pool be amended to clarify and criminalize each stage in a pool transaction [NY1890:35].

Enduring change took place in the behavior categories with which the CPD and NYPD accounted for each year's enforcement activities. Those changes reveal how certain offenses branched off as police enforcement powers adjusted to new controls. They also indicate the spread of offense categories to enforce moral order. For instance, to suppress the sharing of obscene images in New York, crime categories branched from "selling obscene goods" and "obscene prints" in 1885 to the introduction of "exposing obscene goods" [1888]; "sending obscene letters" [1888]; "selling obscene literature" [1890]; "obscene exhibitions" [1891]; "disposing of obscene literature" [1892]; and so on. Similarly, individuals could be arrested for gambling throughout the time period, but in 1905 to 1910, people could also be arrested for gambling in saloons, keeping a gambling house, hand bookmaking, attending resorts forbidden by law, and a variety of other offenses that criminalized activities within the gambling sphere. Similarly, in Chicago, the earliest years of this data set featured offense categories like "keepers of a gambling house" (or similar offenses like keeping a gaming house or lottery office), which branched off into criminalizing "inmates of a gambling house" [1881]; "having gambling devices" [1884]; "decoying to a gambling house" [1884]; and "devices having gaming" [1909]. The proliferation of offenses targeting the multiple actors and stages of vice, as the NYPD called for in the pool-selling context, reflects how the legal system adapted to police's enforcement priorities—not the other way around.

Crimes of indecency reveal one set of convergent strategies between the CPD and NYPD in the representation and regulation of disorder. Across six decades, both police departments identified the problems that the vagrant and destitute posed, and in doing so, they petitioned for or assumed the authorities and resources required to contain them. Around the turn of the century, however, the annual reports showcase another set of strategies that the CPD and NYPD deployed to represent disorder, namely, the construction of threats to statecraft itself.

5.2 | Policing Statecraft

At the century's turn, annual reports reveal two departures from the construction of disorder that had prevailed throughout the Gilded Age. First, the CPD and NYPD selected a subset of disorderliness and escalated those concerns as threats to statecraft itself; second, the construction of those threats to statecraft diverged between the two cities. Both departments constructed threats to statecraft, respectively, out of the everyday threats to disorder that had crystallized during the Gilded Age. In Chicago, the specific manifestation of escalated threats focused on labor unrest that challenged the city's commercial tranquility. In New York, on the other hand, the challenges to White nationalism were crafted as the primary threat to statecraft. Rather than suggesting that New York lacked labor unrests or Chicago avoided ethnonational contestation, the findings below highlight a difference in reported emphasis rather than in empirical reality.

First, nearing the 1900s, prevailing concerns over the activities of people deemed "vagrant" set the stage for the CPD to connect urban unrest to idle labor. Across multiple years, the CPD attributed high crime to transient people and unemployment. Based on these theories about crime's causes, the CPD "respectfully recommend[ed] an appropriation be made for the purchase of five hundred stand of breach loading rifles, number fifty calibre, for the use of the police force in case of riots or emergencies" [C1877:33]. The CPD described disturbances across the country but, in its characterization of the Great Railroad Strike of that year, noted Chicago's susceptibility to unrest given "its vast railroad system, and consequent large number of railroad employees, by whom the strikes were first commenced" [C1877:3]. At the same time, the CPD was not unique in its construction of a "dangerous class of idle, vicious persons, eager at any time to band themselves together, for purposes subversive of the public peace, and good government" [C1877:5].

The CPD's recounting of the Haymarket Square riot reflects particularized blame toward "miscreants" who, in the CPD's construction, escalated peaceful protest into violent rebellion against state authorities. In May 1886, protesters gathered in Chicago's Haymarket Square to demand an 8-hour workday. During the course of several days prior, police and protesters had confronted one another, resulting in one death and several injuries. On May 4, escalated antagonisms culminated in the deaths of officers and civilians alike. The CPD recounted in its annual report that same year: "For several months prior to May 1st, a labor agitation for eight hours work was carried upon, and the cowardly anarchists seized on this opportunity to precipitate an outbreak at this time, foolishly counting on the assistance of sensible workingmen in accomplishing their evil designs" [C1886:21]. Although the police claimed that some sympathies lay with the "sensible workingmen" who went on strike for improved working conditions, they construed a distinct category of anarchists devoted to the state's overthrow as responsible for the deaths and damage.

In the years of industrial and financial trouble that followed, the CPD emphasized the exigent demands that policing discontent occasioned. In 1904, the CPD explained: "[T]he nature of police work has undergone a great change in recent years and the necessity of detailing a large but varying percentage of the force to maintain peace between capital and labor practically doubles the duties and responsibilities of the police" [C1904:25–26]. The CPD described railway strikes as particularly disruptive because 300,000 daily riders relied on the trains for transportation to commercial centers [C1903:18–19]. Successfully regulating these disruptions, the CPD insisted, required expanded police powers. For instance, the 1903 report included a quotation from the city's law department stating that the police can "escort a street car ride … for the purpose of preserving the peace or preventing the destruction of property" [C1903:21]. In fact, it held that the mayor had wide discretion to grant powers to the police, as "the existence of the necessity affords [the Mayor] a power as broad as the need" [C1903:21]. Thus, to regulate threats to the city's commercial tranquility, the CPD stated plainly: "The way to handle a strike is simply enforce the law" [C1904:25]. Swift and certain penalties for violating the law, demonstrating noncompliance, and other forms of "contempt for constituted authority" would further prevent the violence that followed lawlessness [C1911:8]. The CPD framed labor strikes as a challenge to state authority that required law enforcement that they themselves were tasked to provide.

New York was not immune to industrial unrest. The NYPD often drew on the CPD's experiences in learning how to position itself to minimize labor strikes. For example, news of the events at Haymarket Square traveled to New York, which prompted the NYPD to heighten proactive surveillance against suspected anarchists. After four suspects were executed in connection with the incident, the NYPD explained in its 1887 annual report how there was "considerable excitement among the class known as Socialists or Anarchists" [NY1887:81] and how local sympathizers were planning to stage a mock wake as a tribute. Learning of the plan, the NYPD superintendent "at once sent to the said hall [where the mock tribute was said to occur] with instructions to prevent the mock proceeding at all hazards" [NY1887:82]. The superintendent further gave orders to precinct commanders to "keep constant watch over the places reported to be meeting places for Anarchists, etc., in order that the Department might be fully informed as to their proposed movements" [NY1887:82]. These efforts by plain clothes officers succeeded in apprehending the "notorious Herr Most" who "made use of threatening language against those concerned in the enforcement of law against those engaged in the 'Haymarket' massacre" [NY1887:82].

Strikes and other putative threats to commercial tranquility were only one manifestation of the broader threat to statecraft that the NYPD claimed non-native populations posed, namely, challenges to ethnonational control. Before the 1900s, race appeared in Gilded Age annual reports primarily through tables of crime rates and their accompanying text. The first NYPD annual report in the sample tabulated the "nativity of persons arrested" from 28 different places, including Italy, Sicily, Africa, West Indies, East Indies, China, and South America, and further disaggregated domestic populations into two entries—"United States" and "United States, Black" [NY1885:23]—which stressed race's significance for analyzing arrest patterns. The NYPD often reported the increase in arrests among particular groups, such as in 1890 when they noted: "An examination of the table of nativities will show a very large increase in the number of Italians arrested – an increase of about 75 per cent. There was an increase of over 100 per cent of the Chinese, while there was a decrease of about 81 per cent of the colored people" [NY1890:37–38]. But the descriptive register in which "nativity" statistics first appeared eventually gave way at the century's turn to another register altogether; at the Progressive Era's outset, the NYPD more explicitly theorized the criminogenic features of non-White and non-native populations and the threat those groups posed to state authority. Whereas the CPD dwelled on the city's railroad system, the NYPD worried about its ports and established a harbor force as early as 1889. The ports required special attention because they attracted "1,000,000 emigrants" each year and "[u]nfortunately, a large number of these emigrants are criminals" [NY1906:23]. The NYPD expressed difficulty regulating foreigners who "come here, totally unacquainted with [local ordinances], violate them, and cannot or will not understand the nature of their offense when a policeman tries to explain" [NY1920:31]. These concerns shaped the NYPD's theories of crime, such as pinning juvenile delinquency to nationality. Besides reporting the nativities of juvenile arrestees and their parents in annual reports [e.g., NY1913:XXII], the NYPD described how "the Italian girl becomes wayward because of the overcrowded condition of the home, and she is obliged to meet her male friends on the street" [NY1918:92]. For those of Slavic descent, the NYPD explained that "since the War broke out, mothers and fathers have gone to work in munition and other such factories, leaving the young people without proper guardianship" [NY1918:92]. For "native" Blacks, the potential for race riots that undermined law enforcement always loomed—such as in 1900, when an African American killed an officer, which sparked riots and required "prompt and vigorous action on the part of the Police in arresting depredators and dispersing rioters" [NY1900:10]. Whether due to presumed incapacity or unwillingness, the police constructed noncompliance among non-native and non-White populations as threatening not "merely" order but moreover the state itself.

The NYPD's initiatives in response to those threats further pinned criminal suspicion to race and nationality. Among those new initiatives was the proliferation of specialized units with dedicated briefs to investigate and subvert groups whom the police deemed noxious. The CPD and NYPD were inconsistent in how proudly they boasted of the work that those specialized units performed. On one hand, in 1896, the NYPD cited developments in Belgium, France, Holland, Spain, and South America to justify experimenting with the Bertillon system of identification. Bertillonage entailed the collection and cataloguing of photographs of criminal suspects under the belief that "anthropometrical measurements of several parts of the human body" enabled the reliable identification of the criminal class [NY1896:13]. That introduction reacted to the increasing challenges the police associated with identifying a population whose transience and racial classification the department deemed unmanageable and unenforceable.

Bertillonage's appeal, which originated as a competitor to fingerprinting, resided in the technique's simplicity. The criminal miscreant, so Bertillonage manuals counseled, was identifiable with reference to anthropometric features enumerated in periodicals promulgated to police departments through new professional associations and burgeoning nationwide "police science" networks (Koehler, 2015). Not long thereafter, the NYPD then formalized instruction by establishing a School for Detectives that trained incoming cohorts to identify suspects by "classifying faces by the type of nose—straight, concave or convex—and then subdividing these by classification of ears and of other features to a point where a class would contain but very few persons" [NY1911:5]. Figure 2 contains a photographic illustration the NYPD included in its 1911 annual report of the School's instruction in criminal facial feature identification [NY1911:16a]. Bertillonage's appeal, however, proved fleeting once fingerprinting replaced the police's reliance on visual cues to distinguish racially similar suspects (Burton 2019).

On the other hand, both the CPD and NYPD were much less celebratory in their annual reports of the work performed by a proliferating class of specialized investigative units that included "Red Squads," which targeted anarchists and radicals, and an assortment of analogs such as "Italian Squads," which policed ethnic groups. For instance, in July 1919, the NYPD formed the Italian Squad, which consisted of 10 men who spoke Italian and were "familiar with the methods of the Italian criminal" [NY1920:101]. The Italian Squad was deemed a success: "By patroling [*sic*] the Italian sections of the city, and searching patrons of questionable coffee houses, pool rooms, saloons and cheap restaurants, 71 arrests were made during the year and 41 convictions obtained, with 19 cases still pending" [NY1920:101]. Many of the NYPD's squads consisted of military veterans from World War I—or "imperial importers" (Go, 2020)—who had the training and experience to both "check any organized, or promiscuous, outburst of disorder" and represent "a powerful deterrent to the radicals, locally-bred bolsheviki, chronic malcontents and other brands of distributers who might develop an inclination to enforce their theories by open acts of violence" [NY1920:169]. For example, the Bomb Squad focused on "curbing, and keeping

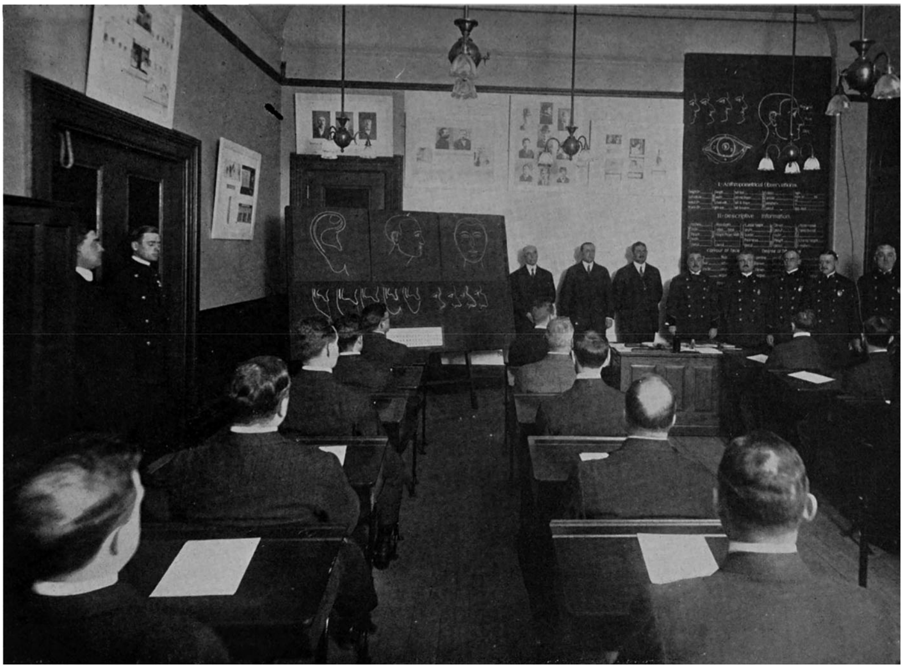


FIGURE 2 Photograph of Bertillon System Instruction in the NYPD School

Source: [NY1911:16a].

under surveillance, the various radical organizations" like the Communist Party [NY1920:98]. These groups required surveillance because they "made it a practice to edit, publish, and distribute numerous newspapers, periodicals, and pamphlets containing attacks on the Federal, State and City officials and aimed at the overthrow of all organized government, by force and violence" [NY1920:98]. By 1923, the NYPD introduced the Radical Squad to surveil the domestic counterparts of the "more spectacular and vicious European and Asiatic radicals" [NY1923:187]. Although these actors were currently "tranquil" because of the NYPD's surveillance, they represented an "ever-present menace" who were "impatiently awaiting an opportunity to flaunt constituted authority, and commit the sort of outrages that are the only justification for their existence, from their perverted standpoint" [NY1923:187]. The threat to statecraft that the NYPD insisted these foreign groups posed was inseparable from the special attention the NYPD devoted and the resources it committed to their enforcement. Like the introduction of technocratic tools such as Bertillonage, or for that matter telephone callboxes and bicycles, the Red Squads and ethnic squads likewise originated out of anxieties concerning how to police the upheavals of an abruptly diversifying urban space (Donner, 1992; Guariglia, 2019).

Challenges to ethnonational control were less prominent in CPD annual reports than in those published by their NYPD counterparts, but their construction of such challenges was by no means absent (Dale, 2022). The CPD primarily reported about nationality and race through crime tables, rather than providing a theory about their role in the commission of crime. For instance, similar to the NYPD, the CPD annual reports in 1877 began differentiating between "American" and "American, (colored)" in arrest rates. A decade passed before the CPD further disaggregated the American category to include a new entry for "American Indian." But it was Sergeant Horace

H. Elliott, superintendent of the Bureau of Records, whose report along with other bureau heads is appended to the department's annual report that cemented the CPD's constructed linkage of crime, "nativity," and propensity: "A factor of no small sociological value in this cosmopolitan city is our method of classification of charges brought against persons arrested according to the nativity of the prisoner. This distinctly points out the criminal tendency of our foreign population" [C1909:85]. In subsequent years, the CPD added new tables that disaggregated the sex and race of murder victims and perpetrators—though distinguishing only between "white" and "colored" for race [C1922:47]. Thus, the CPD monitored ethnonational threats, even when doing so sat uneasily alongside the effort to diversify the CPD's ethnic composition as a centerpiece of the department's order maintenance strategy (Haller, 1975, pp. 305–306).

Tracing the development of crime categories across both cities reflects the multiplication of offenses aimed at punishing disturbances against state authority, whether by organized labor or racialized minorities. The splintering of crime categories was particularly apparent in New York, where "rioting" multiplied to criminalize various preceding and derivative actions: "inciting riot" [1885], "riot (accessory to)" [1901], and "riot and felonious assault" [1909]. Similarly, besides the act of triggering explosives itself, the NYPD began pursuing arrests for "selling combustives, no permit" [1909], "placing explosives near building" [1910], "selling explosives" [1911], and "unlawful possession of explosives" [1917]. The proliferation of those crime categories paralleled the growth of more familiar offenses aimed at punishing disturbances to peace: from "mutiny" and "mayhem" in earlier years to "boycotting" [1894], "unlawful assembly" [1902], "offenses against public justice" [1917], and "anarchy" [1917]. In Chicago, offenses involving noncompliance to police authority accumulated by the 1900s: from "resisting an officer" [1877], "interfering with an officer" [1879], "representing himself an officer" [1881], "interfering with an officer while in discharge of duty" [1882] in earlier years to "obstructing" [1895], and "impersonating an officer" [1903]. Together, these crime categories reflect the increasing power and application of police authority to threats to the state.

6 | IDENTIFICATION AND AUTHORIZATION

We began this article with the criminological axiom that in liberal democracies, the police mandate is perennially unsettled. Not only does deliberation persist over whose order the police ought to enforce, how best they ought to enforce it, and from where their authority to do so derives, but also the police participate in that deliberation in ways that present thorny problems for their legitimacy (Cheng, 2022; Christensen, 2022). In two respects, the annual reports that the CPD and NYPD produced during the Gilded Age and Progressive Era offer criminologists useful clues with which to make sense of the police effort to manage that thorniness.

First, from the years that followed Reconstruction until the 1920s, the reports bear out how uncertain—and susceptible to varying interpretations—was the police mandate. Both the CPD and NYPD described policework with reference to a heady mixture of liberal principles underpinning the responsibility to protect citizens from one another and illiberal principles underpinning the responsibility to protect citizens from themselves. Both of those sets of principles licensed a broad interpretation of state intrusion's proper scope. Moreover, both police departments described how the tasks entrusted to the police arose from distinctive—and sometimes parochial—needs. Both the CPD and NYPD repeatedly expressed circumspection about the extent to which adjacent institutions in the courts, corrections, or state and city government undermined the police's capacity to meet their charge. Consequently, by looking to those decades, criminologists can observe how big city police departments made the “modern” case for what their mandate ought to look like and what bounds, if any, might circumscribe it.

The annual reports also contain a second set of clues about how the police settled uncertainty. The reports showcase two techniques that police departments used to calm disquiet about their propriety and purpose during years when neither was settled. The first such technique is that the police *identified* social problems susceptible to state intervention and solution. Identification is most visible in how both departments constructed the enforcement of indecency and vagrancy. In the CPD’s and NYPD’s enforcement of both, they blended Victorian concerns about “ungovernable” penal subjects with reformist concerns about man-made squalor’s criminogenic consequences. They were as likely to attribute disorderliness to intransigence and moral decline as they were to the deteriorations of a rapidly urbanizing and industrializing society. In a historical moment that pitted competing claims against one another about what the police should and should not have enforced, the narratives and tables that populated each annual report sketched what the CPD and NYPD understood to be the proper objects of intervention.

Another technique observable in the reports is that the police *authorized* themselves as the institution best equipped to intervene in the social problems they identified. In both cities, that authorization took myriad forms. In some instances, the police lobbied to expand their jurisdiction; in others, they advocated for new enforcement powers; in others, they applied for increased resources; and in others, they whipped enthusiasm in the police institution itself. Variation between those petitions is telling. Because they were addressed to a plethora of stakeholders who ranged from the public to state officials, the CPD’s and NYPD’s authorization efforts display how the sources of police legitimacy were dispersed throughout a penal field that was, itself, still taking shape.

Analysis of how those techniques play out in the annual reports bears both unsurprising and surprising insights. Unsurprisingly, the reports attest to a mixture of both crime-related and crime-unrelated enforcement activities. The reports unsurprisingly celebrate prevented homicides, confiscated contraband, intercepted fugitives, and more. The reports likewise unsurprisingly enumerate how many homeowners the police instructed to tend their lawns, how many stable-hands they instructed to re-shoe their horses, how many streetlamps they repaired, and how many inebriates they dried. To scholars of order maintenance policing who stress the sheer plurality of tasks the police are called on to resolve, there is something banal about the huge array of enforcement activities that appear in the annual reports.

Nonetheless, the annual reports yield two surprising criminological insights that the otherwise-banal plurality of order-maintaining police tasks might disguise. First, although many of the tasks the CPD and NYPD performed were unrelated to the enforcement of the criminal law as such, it is significant that the police recorded those tasks in the annual reports at all, and that they did so alongside those enforcement tasks that the law explicitly authorized like violent and property crimes. After all, perhaps order-maintenance activities are incongruous in an annual report. Even if today’s police still spend a great deal of their time on tasks wholly unrelated to public safety, it might puzzle a modern observer if those tasks were nonetheless considered inseparable from, as opposed to ancillary to, the police’s public safety function.

Not so for the CPD and NYPD during the Gilded Age and Progressive Era. To the contrary, annual reports record crime-related and crime-unrelated enforcement as indistinguishable categories of police activity. That indistinguishability speaks to the enduring challenge in early urban police history to disentangle morals enforcement from the minimization of public harm (Thacher, 2014). In Chicago and New York, those two logics were particularly entwined. Population groups the police deemed unruly and incorrigible were troubling both because of the moral decline they putatively augured and because the police worried that neither city was equipped to provide humane support and welfare. Both police departments therefore promoted a convoluted and contradictory set of penal–welfarist ideals that blended the regulation of disorder and the provision of public safety as co-equal priorities. That set of ideals licensed both the CPD and the NYPD to identify the problems that fell within law enforcement's proper purview, and to do so expansively.

A second surprising criminological insight to emerge from the CPD's and NYPD's decision to privilege disorderly concerns alongside criminal enforcement is that the specific categories they recorded attest to their widening interpretation of the police power's scope. On one hand, that widening interpretation followed what the police understood as "new" problems. For instance, the emergence of the widely available automobile restructured law as much as it did law enforcement (Seo, 2019), and the CPD and NYPD inveighed against the car causing not only traffic nuisances but also countless further problems besides. Broken cars impeded busy thoroughfares, swift cars enabled mischievous getaways, and noisy cars polluted neighborly calm. Each of these concerns pressed in unfamiliar ways that spurred the police to petition for new enforcement authorities. As cars became popular, it sensibly followed in the police's eyes that enforcement powers should adjust to accommodate the new problems that accompanied them. But the police's role in constructing "new" problems was not altogether autonomous. For instance, annual reports show that the regulation of obscene materials expanded from the narrow enforcement of sales in the 1870s to a much more capacious regulatory framework in the 1890s that encompassed many different types of obscene materials and wielded either as sale or as possession or disposal. Vice enforcement proved yet more expansive as the list of proscriptions swelled from indecent behaviors in the 1870s to degraded people in the 1880s to corrupting places by the 1890s.

The annual reports develop and extend historiographies of the early urban police in the American Northeast. Take, for example, those histories that analogize developments in early urban policing specifically to developments throughout the Gilded Age and Progressive Era generally. As outlined earlier, those histories see similar forces at work in policing as in adjacent organs of governance like education, housing, sanitation, and the like. Specifically, Progressivism's spirit of reform indistinguishably spurred those institutions to professionalize, bureaucratize, standardize, and centralize power (Ansell & Lindvall, 2020; Carpenter, 2001). The annual reports corroborate histories that stress bureaucratization's centrality to early urban policing in New York and Chicago; moreover, the reports show that bureaucratization's grip tightened over both police departments at roughly the same times.

That push to modernize might have fastened itself to many justifications. In one justification, policing's modernization was necessary to centralize enforcement power that had, until shortly before, been unworkably dispersed across private policing agencies and vigilantes. The reports, unsurprisingly, do not bear out that interpretation. Neither the CPD nor the NYPD would have been inclined to advertise their enduring reliance on private entrepreneurial violence (Obert, 2018) during the period when the police warrant inhered in monopolizing its legitimate counterpart. In another justification, policing's modernization entailed quieting suspicions about the corrupting persistence of machine politics. On this, the reports are far more availing. The trend toward exacting financial accountancy, the repetitive insistences on righteous enforcement, and the inward-looking inspection at the police's probity all convey the significance that the CPD and NYPD imbued in the reports as reputation-management instruments. Modernization alone was not enough; the cycle of scandal and reform necessitated that both departments be *seen* to modernize (Sherman, 1978). A third justification imagined police modernization as a reaction to emergent problems that accompanied urbanization and industrialization. On this, the reports are especially illuminating inasmuch as they stress the police's contribution to a distinctive Progressive penal sensibility. Reports from both cities characterize the duties that burdened police officers as extending well beyond what they could reasonably have been expected to shoulder. Their efforts to manage the quality and quantity of those burdens—"scarcely less numerous than the stars" [C1878:16]—are telling. As one matter, the reports attest to how the CPD and NYPD constructed the rapid influx of those they deemed "ungovernable" and "irresponsible" by virtue of their recalcitrance or imperviousness to legal instruction. As another matter, the reports also speak to the tools the police insisted they required to impose order amid uncertainty. But the apprehensive presentation of some of those tools, such as the specialized investigative units, hints at the CPD's and NYPD's ambivalence toward the tension between modernization and the exclusionary logics at Progressive policing's core.

Comparing how the CPD and NYPD sought to resolve that tension reveals key similarities and differences. Timing is one key similarity: At the end of the nineteenth century, both departments selected a subset of disorderliness that they reconstrued as threats to statecraft. That act of reconstruing obeyed more than just a similar timing; it also obeyed a similar semiotic structure. The language that appeared in both sets of reports during the Gilded Age moralized and pathologized the problems the police imagined themselves called on to answer: Disorderliness, both departments insisted, was the disappointing consequence of allowing the ungovernable and unmanageable "vagrants" and "destitutes" free roam to realize their "evil designs" and "infest[]" each city. But once the police grappled more self-consciously with their own centrality to statecraft itself, a decidedly different semiotic structure then emerged in the Progressive Era's earliest years with which each department construed threats. In place of moralizing and pathologizing the problems they identified, the CPD construed "subversives" and the NYPD construed "incorrigibles" whose antagonisms they deemed threatening to the legal and political order itself (Koehler, 2019). That both departments construed problems in this way even at the Gilded Age's close makes some historical sense: At the time, insistences that American criminal justice served to impose the rule of law were still unconvincing and institutional uncertainties were still more pronounced than many credited (Dale, 2011, chs. 4 and 5). Whether organized labor or immigration "truly" threatened the state were thus somewhat beside the point; by the Progressive Era, reformists were quick to authorize penal institutions to impose order in the very ways the CPD and NYPD requested from the century's turn onward.

A key difference relates to the objects of ire in each city. In Chicago, where ferocious disputes pitted industrial capital against labor, the CPD's annual reports constructed threats to commercial tranquility as antagonistic to the state. As disputes became bloodier and higher profile, the CPD's reports blithely impugned radicals and communists as treacherous seditionists. Prior work that focused on the political tremors subsequent to those protest actions convincingly historicized the CPD's recruitment into business interests (e.g., Avrich, 1986; Balto, 2019; Mitrani, 2013; Stowell, 1999). In that respect, Chicago's experience was not unique. Strikes during those years were part of a larger national crisis and "search for order" that afflicted policing no less than other institutions of social policy (Wiebe, 1967). Likewise, in New York, where anxieties over ethnic diversification fueled similarly ferocious disputes over mass migration, the NYPD's annual reports construed threats to ethnonational control as antagonistic to the state. To some extent, that construction's emergence is unsurprising given contemporary discourses of race, ethnicity, and exclusion (Cannato, 2009; Leonard, 2017): The NYPD's composition of primarily Irish personnel in the Gilded Age's early years was not unlike its profile of primarily Irish and German arrestees. But by the century's turn, the swelling ranks among those arrested of Italians, Jews, African Americans, and others fanned hostilities with a police department whose primarily Irish composition had since only redoubled (Richardson, 1970). Even the public disorders that consumed police attention in New York were decidedly more ethnonational in focus than were those that the CPD confronted (Johnson, 2003, ch. 2). Unlike the disorders that punctuated New York's 1870s, such as the Orangemen's Parade Riots or the Tompkins Square Riot, continued outrage over segregation and discrimination emerged as a key gravamen in the years that followed. Identification and authorization were thus in full display: In both cities, policing the problems that followed from modernization required effective weaponry, robust legal authority, and expanded jurisdiction that the police had lacked in earlier years. Although the reports show that both sets of antagonisms prevailed in both cities, nonetheless their emphases diverged in ways that corroborate histories of policing in Chicago and New York (Balto, 2019; Dale, 2022; Guariglia, 2019; Miller, 1999; Mitrani, 2013).

Comparison of the CPD's and NYPD's annual reports from a period when the police mandate was especially fraught yields three sets of insights. The first is historical. We find many similarities in how the CPD and NYPD represented their work: In both cities, we observe the extent to which the police departments strained under the institutional uncertainties they shouldered; they imagined disorder, crime, and insecurity as germane concerns; they construed a subset of those concerns as threats to the political regime itself toward the century's turn; and they creatively lobbied for the authority necessary to quell those threats. In short, the twin techniques of *identification* and *authorization* prove helpful in clarifying how these two penal institutions settled Progressive uncertainties. We also observe noteworthy differences, such as which specific targets of police attention they construed as threats to statecraft. Where the CPD attributed such threats to agitation stemming from organized labor, the NYPD's worries focused on its city's ports. Those different hotbeds of concern gave rise, in turn, to the CPD prioritizing the preservation of commercial tranquility, and the NYPD prioritizing preservation of ethnonational control.

The second set of insights is methodological and follows from the first. Police history's rich criminological heritage rarely yokes the strengths of comparative methods (for notable exceptions, see Bayley, 1990; Churchill, 2017; Emsley, 2000; Mawby, 1990; Miller, 1999). That rarity weakens criminologists' grasp of how similarly situated police departments differ in their interpretations of how to confront similar problems. Our analysis of how two police departments responded to the need to settle a fraught mandate strengthens that grasp. Our findings corroborate criminological insights about the Progressive effort to pin criminality and distaste to markers of class, race, and ethnicity (Muhammad, 2019; Platt, 1977; Willrich, 2003); the early urban police's concentration on disorder (Monkkonen, 1981; Rock, 1977); and the expansion of penal power under the guise of Progressive reform (Garland, 1985; Rothman, 1980; Simon, 1993); and more. But the findings also complicate criminological insights by clarifying the extent to which the similarities we observe outweigh differences. The CPD and NYPD modernized at the same time that they both confronted similar pressures of industrialization, urbanization, and mass migration. Yet despite those transformations, they interpreted their charge in broadly similar ways and they relied on similar techniques with which to enact their respective interpretations. On one hand, criminologists can infer from those similarities that Progressivism muted or over-rode the local variation that otherwise distinguishes policing. On the other hand, criminologists can infer from those differences just how contingent is the effort to settle institutional uncertainty about the police mandate.

The third set of insights is conceptual. This study extends and develops criminological scholarship that historicizes how reformers, advocates, entrepreneurs, and would-be professionals maneuvered preferred innovations to acquire policy salience, stability, and legitimacy (e.g., Feeley, 2002; Reiter, 2016; Rubin, 2021; Simon, 1993). That literature robustly showcases how, even across vastly different historical and penal contexts, actors pursue legitimacy amid policy uncertainty and negotiate for centrality in a stratified penal field (e.g., Goodman et al., 2017). At the same time, that literature elides how those entrepreneurial efforts connect to a project in which actors *both* set the agenda of statecraft *and* play a key role in assuming unto themselves the authority with which to execute it. By looking to the Gilded Age and the Progressive Era, when the police mandate was especially unsettled, we observe two techniques that the CPD and NYPD deployed to insist on their propriety and purpose when neither was certain. Both departments embarked on *identification* and *authorization* projects to clarify what work they understood themselves tasked to perform and to acquire capacities necessary to perform them. We draw attention to those twin techniques, but we sever them analytically to highlight different criminological mechanisms. On one hand, identification speaks to the process wherein the CPD and NYPD selected problems as warranting intervention, and they then constructed a subset of those problems as threats to statecraft itself. On the other hand, authorization speaks to how the CPD and NYPD maneuvered themselves in the penal field to acquire the capacity necessary to fulfill their work. By following—yet distinguishing—those techniques, we see how the CPD and NYPD made claims for the place of a modern police force, one that could likewise be fit for modern purpose, in the Progressive American city.

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How to cite this article: Koehler, J., & Cheng, T. (2023). Settling institutional uncertainty: Policing Chicago and New York, 1877–1923. *Criminology*, 1–28. https://doi.org/10.1111/1745-9125.12337

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