

HOUSE No. 491.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, }
BOSTON, June 19, 1874. }

To the House of Representatives.

In returning to the Senate without my approval, on the second instant, the Act "To enable the Governor of the Commonwealth to preserve the Public Peace and enforce the Laws," I pointed out what seemed to me certain serious objections of a secondary character. The bill originating in the House of Representatives, entitled "An Act to establish a State Detective Force," obviates some of the objections then noted, in that it makes provision for closing up the business now in the hands of the state police, for the disposition of property seized and held by that force under legal process, and for the care and custody of records and other property of the Commonwealth in the possession of the constabulary. It also explicitly recognizes the necessity of a trained police force, independent of local influences and restraints, subordinate only to a central and responsible head, subject to the control of the executive, and clothed with authority to preserve the peace and execute the laws in all parts of the Commonwealth.

So many of its provisions substantially accord with my own views, that I have earnestly sought to approve the bill "To

establish a State Detective Force." But, on very careful consideration, it fails to commend itself to my judgment, nor can I gather that it meets the sanction of the great body of our thoughtful and law-abiding citizens. It therefore becomes my duty to return it to your honorable body without executive sanction. In so doing, I deem it unnecessary to repeat the reasons, given in my recent message to the Senate, for thinking some form of state police a valuable and highly important coördinate of the executive. The measure before me virtually acknowledges the pertinency and soundness of those opinions, and I shall but briefly indicate the reasons why I am compelled to refrain from giving it my signature.

It repeals the Act of 1871 establishing the large and well-organized state police force, and provides in its place for the appointment of thirty-one officers, to be called state detectives. The scope of the bill is to give these officers duties of a two-fold character: first, they are to have and exercise all the common law and statutory powers of constables, except the service of civil process, and also all the powers given to police or watchmen by the statutes of the Commonwealth; and, second, they are to aid the attorney-general, district attorneys, and magistrates, in procuring evidence for the detection of crime, and in the pursuit of criminals.

While these two kinds of duty are, of necessity, sometimes imposed upon the same officers, it has been found essential in the practical working of all police organizations, substantially to separate them, and give to one part of the force all those duties primarily related to the preservation of the peace and the protection of society from what the laws broadly designate as minor offences, and to another part the more delicate and responsible duty of tracking graver criminals and obtaining evidence necessary to establish artfully planned crime. For whichever duty the executive might wish to employ the state detective force, the number authorized by this bill seems to be an unfortunate one. For detective service only it is larger than it need be. Though the more open and gross forms of crime, such as the local police and constabulary commonly deal with, are painfully frequent among us, fortunately the more cunning and skilfully concealed forms are still so infrequent that the Commonwealth does not require

the service of as many special detectives as this bill provides. But if, in the discretion allowed the governor and council, a smaller number be appointed, this agency would then be of little or no avail for the preservation of the peace. And if the force created by the Act is to labor in both the fields of duty contemplated by the second section, the whole number authorized would be quite too few for such efficient service as the people have a right to demand and expect.

When the state constabulary was established by the Act of nine years ago, a force of thirty-four men was authorized, and the experience of every executive since then proves that this number was insufficient for the required duty. The service necessary at any one of the large gatherings in our rural neighborhoods during the holiday season, often demands the presence of as large a body of officers as this bill provides, and it frequently happens that a considerable number are simultaneously called for from several different points in the State. It would be utterly impossible to meet the urgent wishes of the people in this regard with the force that might be appointed under the present bill. To be sure, the tenth section provides that it shall be the duty of the local police and constabulary to aid the detective force in the discharge of their duties whenever seasonably notified and called upon for that purpose; but as no power is given to enforce this duty, nor any penalty provided in case such aid should be refused, the section cannot be relied upon as furnishing a means through which the state force may be strengthened or rendered more efficient.

I am not aware that there is any general demand for the abolition of the present state police on the part of my fellow-citizens who respect the laws upon our statute books and wish to see them enforced. So far as their voice reaches me it is for the elevation and improvement of the force. That there may be inefficient or corrupt men in it, while a thing to be deplored and rectified as fast as possible, is no more than can be said of every police in the civilized world. Because many kinds of vice flaunt unblushingly and unpunished in our large cities, and officers are occasionally found derelict or corrupt, would it be considered wise to abolish municipal police altogether, and trust the safety and security of these communities to the

old-fashioned constabulary, annually elected at the ballot-box? Because we cannot enforce our criminal laws with omniscient impartiality against all offenders, shall we cease to enforce them as best we can with the agencies at our command?

Organization, system, independence of popular control as far as possible, and numbers sufficient to insure respect and command order, are the recognized necessities of modern police, whether local or state. Conscious and conscientious responsibility in the head of the department, and vigilant but considerate watchfulness on the part of the citizens, will give us the best attainable police. I believe the present state force is steadily improving in faithfulness, integrity and efficiency. I am satisfied that it is the determination of the commissioners and the chief to rid it as rapidly as possible of corrupt and inefficient members, and to seek by its aid a uniform and consistent enforcement of all laws and a faithful discharge of all duties intrusted to and imposed upon it. So far as lies in the power of the executive, I stand pledged to this course, both by my oath of office and by the convictions of my deliberate judgment.

The provision in the Act under consideration for the disposition of property seized and now held by the state police, seems to me open to a somewhat serious objection. By the terms of section thirteen, all such property is to be delivered to the respective sheriffs of the counties in which it was seized, and they or their deputies are to complete all proceedings in relation thereto. Changes of this sort pending any civil process are to be deplored. If, however, they unavoidably occur, would it not be better to transfer the property in question to hands as closely allied and as nearly in sympathy with the original authority as possible? In my judgment, the claims of the law to this property would stand a better chance to be actively and efficiently promoted by its delivery to the force representing the same general, systematic, disinterested power, free from all local influences and complications, as that by which process against it was begun.

Because, therefore, I think this latter provision likely to result in serious detriment to the State in cases where prosecutions of offences against the laws has already commenced; because I believe there is little demand for the abolition of

the state police, except from a class whose interests and occupations are, through its agency, brought into a position of conflict with the laws; but chiefly because I believe that the number of officers proposed to be substituted for the present constabulary will be wholly inadequate for the service which it is both the prerogative and the duty of the executive to render, and because by reason of such inadequacy, the safety and peace of all good citizens will be endangered, I withhold my approval of this bill and return it to the House for further consideration.

THOMAS TALBOT.

