

The CHAIRMAN. Our next witness was to be Superintendent Wilson, chief of the Chicago, Ill., Police Department. I am advised he has run into some transportation problems and he will be somewhat delayed, so we will hear him at a later time, to suit his convenience.

Our next witness will be Col. Stanley R. Schrotel, chief of the Cincinnati, Ohio, Police Department, and immediate past president of the International Association of Chiefs of Police.

Chief Schrotel, we are very happy to have you with us this morning.

STATEMENT OF COL. STANLEY R. SCHROTEL, CHIEF, CINCINNATI, OHIO, POLICE DEPARTMENT

Chief SCHROTEL. Thank you very much, Senator. My comments this morning, sir, are addressed to title I and title III of the proposed bill 7525 dealing with the *Mallory* decision and an expansion of the arrest privileges as they currently are invoked in the District.

Our free society has created a system designed to identify the person who commits a crime and to give him a fair trial in which the truth of his guilt or innocence is to be established. This system is based on the principle that guilty persons should be adjudged guilty. The trial court is as ethically bound to ascertain the guilt of the guilty as it is to ascertain the innocence of the innocent. Rules that exclude material and relevant facts bearing on the guilt or innocence of the defendant are inconsistent with this principle and with the oath to tell the truth, the whole truth, and nothing but the truth. Since an invalid arrest may result in the exclusion of material and relevant facts, the liberalization of arrest privileges would lessen the likelihood of the exclusion of truth, and would also facilitate the apprehension of criminals and lessen the physical hazards of the police.

The rules that establish the validity of arrest, as well as the other police arrest privileges under discussion, should be established by legislation, as was proposed in 1942 by the interstate crime commission in its uniform arrest act. The courts may then rule on their constitutionality. The decisions would probably be favorable; the provisions of the uniform act have not been declared unconstitutional in any of the States that have adopted them.

Both unbounded liberty and its restriction place basic human rights in jeopardy. Unbounded liberty jeopardizes the security of life and property and, indeed, the security of our free society. Were this not so, there would be no need to place any restrictions on liberty. Restricting liberty, on the other hand, jeopardizes the basic human right to freedom in movement and conduct.

The problem, then, is to prescribe restrictions which will provide an acceptable degree of security without unduly infringing upon individual freedom. The restrictions on liberty now under discussion are adjusted by increasing or decreasing police arrest privileges. They must be so regulated that the price paid in inconvenience and restraint has an equal compensating value in the advantages of greater public security. To keep the scales of justice in balance, the advantages to a free society resulting from a reasonable degree of security in one pan must hold in precise equilibrium the other containing the disadvantages that result from such restrictions.