

tive tools for meeting this kind of an emergency. And that is why we are here. I think that to the extent that we are restrained or impaired in containing crime by these restrictive devices, I think to this extent we are bringing more and more discredit to ourselves, because the public tends to look at us as the sole instrumentality in government for the containment of crime.

I know full well this is not so, that this burden is not properly ours. We labor a fair share of it. But in terms of explaining to the average citizen, the police agency is responsible for misconduct within the context of criminal behavior. And I am saying that we have—the police have not been vocal, we have not been articulate, we have not been able to bring intelligently to the minds of the community that should know the obstructions and the impairments that we face. I think having done this, we will win more support, and we will, I think, effectively cope with this grim specter of public disrespect that I mentioned.

The CHAIRMAN. What can you do with the criminal suspect you have so vividly described? Suppose one of the men under your command from Cincinnati, Ohio, would find this type of suspect on the streets of Cincinnati, and a citizen would come to him and do just exactly as you described—what would the police do?

Chief SCHROTEL. We would probably violate his constitutional rights and arrest him.

The CHAIRMAN. Well, you are not under the mandate of the *Mallory* rule, are you?

Chief SCHROTEL. Sir, we are feeling the full brunt of it, however.

The CHAIRMAN. Is that so?

Chief SCHROTEL. Yes.

The CHAIRMAN. What is the law in Ohio? Are you required to take a suspect before a committing magistrate without unnecessary delay? Is that what your Ohio law says?

Chief SCHROTEL. Well, it is not as stringent, perhaps, as the mandate expressed in the *Mallory* decision. We can bring him to trial at the next conference—the convention of the court the following morning.

The CHAIRMAN. You can hold him overnight?

Chief SCHROTEL. We can hold him overnight, or we can hold him in some instances for a period of 24 hours, until the court convenes. But we must charge him.

The CHAIRMAN. If you pick up a suspect on the street in Cincinnati, what do you do with him? Do you take him to the nearest police facility?

Chief SCHROTEL. Yes, sir; and interrogate him in reference to his identity. If you are referring to this illustration that I have just given.

We would interrogate him in reference to his identity, the purpose for his presence in that location, and having ascertained these, we would proceed, if we could, to determine his involvement in the offense, through this interrogation. He would be charged. If not, we would release him.

The CHAIRMAN. How would you book him on your police blotter? Would you book him for investigation? What is your procedure?

Chief SCHROTEL. Yes; we hold him for investigation.

The CHAIRMAN. You hold him for investigation.