

Chief SCHROTEL. That's right; yes, sir.

The CHAIRMAN. When you pick him up, do you advise him that any statement he makes can be used against him?

Chief SCHROTEL. If he is willing to make a statement. This appears as the prefacing commentary on the formalized statement.

The CHAIRMAN. Is he advised that he has a right to counsel at that stage?

Chief SCHROTEL. No; we just advise him that he need not make a statement, but if he so chooses, that this statement will be used for or against him at the time of his trial.

Now, we do not advise him he is entitled to counsel.

The CHAIRMAN. Depending upon the result of the interrogation, do you take him before a committing magistrate the next morning?

Chief SCHROTEL. That is right, sir.

The CHAIRMAN. You do not get the magistrate out of bed in the middle of the night?

Chief SCHROTEL. No, sir; we have never had an occasion to do that.

The CHAIRMAN. Do you have legal problems on this question within Cincinnati, Ohio, similar to those that have arisen in the District of Columbia as the result of the *Mallory* case?

Chief SCHROTEL. The courts have suggested that they ought to be—the local courts—that they ought to be adhering more stringently to the spirit of the *Mallory* rule. So I suspect that unless the rule is modified, we will in Cincinnati, as in other urban centers, be faced with a more rigid adherence to that doctrine.

The CHAIRMAN. Thank you, Chief.

Chief SCHROTEL. Highly intelligent people ponder the police role as a hypothetical abstraction, in ignorance of the true facts, and conceive the police to be a potential instrument of tyranny which will destroy the essential freedom of a free society. Since their reading and research are restricted to incidents that discredit the police, they conclude that all police are bad. These citizens, as protectors of liberty and freedom, then aline themselves against the police without giving attention to the cost of criminal depredations.

There have been exceptions in which men whose integrity and judgment are respected have accompanied the police on their tours of duty in order to learn and report the true facts. Prof. John Barker Waite of the University of Michigan Law School and Sam Bass Warner of the Harvard Law School are two examples. Their experiences gave them a sympathetic understanding of the problems confronted by the police in consequence of antiquated rules governing the questioning and detaining of suspects, searching them for weapons when police safety is jeopardized, arresting them when conditions warrant such action, and the right of the suspect under some conditions forcibly to resist arrest by a uniformed policeman. These men have championed in books and articles the liberalization of arrest privileges because through their experiences they have gained a sound understanding of the handicaps of the modern policeman in his legal war against crime. On the basis of his police experiences, Professor Warner played the principal role in drafting the Uniform Arrest Act.

Law enforcement may be strengthened by legalizing common police practices, already legal in some jurisdictions, which would have the effect of facilitating the discovery of criminals and evidence of their