

The modernization of arrest privileges is needed to make them consistent with the conditions under which the police today must protect the public from criminal attack. The following advantages would be gained from liberalizing ancient rules of arrest based on conditions that no longer exist and from penalizing a political subdivision for abuse of authority by its police:

(1) Public peace and security would be increased by enhancing the likelihood of discovering persons seeking an opportunity to attack.

(2) The effectiveness of the administration of justice would be increased by facilitating the investigation of suspects, the arrest of criminals, and the collection of admissible evidence. By these means both clearance and conviction rates would be increased.

(3) The security of the police would be increased by permitting them to discover weapons that may be used to attack them and by making it illegal to resist arrest by a known peace officer.

(4) Higher standards of service and stricter adherence to the legal restrictions imposed on the police would result when a community or other political subdivision was penalized for abuse of authority by its police.

We feel all of these advantages will flow if, sir, you react favorably to the proposal that is before you.

The CHAIRMAN. Thank you, Chief. I certainly appreciate your coming before us and giving us the benefit of your experience in the law-enforcement field.

I note that you are the immediate past president of the International Association of Chiefs of Police. Are you having a problem nationwide with regard to the admissibility of confessions similar to the problem now being experienced in the District of Columbia?

Chief SCHROTEL. Yes, we are. In the urban centers throughout the country, crime is on the increase, and we are having more and more difficulty in approaching crime containment, because of the lack of adequate tools.

Of course the spirit of Mallory and the spirit of the restriction on investigative arrest is certainly felt in cities beyond the pale of the influence in the District.

The CHAIRMAN. The position the Department of Justice takes on these problems is that the title I, to which you are directing your testimony, is quite possibly unconstitutional. My concern, and I am sure it would be the committee's concern, is that the legislation we enact must stand a court test.

Now, do you, or your association have any guidelines for investigative arrest, and for the admissions of confessions, that would stand the constitutional test?

Chief SCHROTEL. Isn't the nub of the issue, though, in the word "unreasonable"—"without unreasonable delay." And if the court then examined the reason for delay, and the circumstances attendant to the inquiry, don't you think that reasonable minds might decide that the delay, even though extending for a matter of hours, was reasonable within the context of the circumstances of the arrest?

The CHAIRMAN. What you say may be correct.

Chief SCHROTEL. But isn't this the real issue in terms of tests for constitutionality?

The CHAIRMAN. Do you have any decisions that indicate that to be the case?