

Chief SCHROTEL. No.

The CHAIRMAN. I felt possibly as past president of the international association that you might know what, if any, consideration your international association has given as to what can be done in the field of investigative arrests and in the field of admission of confessions as they relate to rule 5(a) without violating basic constitutional rights?

Chief SCHROTEL. No, sir; I am sorry, Senator, I do not have that.

The CHAIRMAN. The staff director of the committee has drawn my attention to something that you said just a little bit earlier that possibly needs some clarification.

When I was asking you about your arrest practices in Cincinnati, I understood you to say earlier in your testimony that you would probably violate the Constitution and arrest him.

Now, I do not know whether this is what you really meant. I think it probably needs some clarification, in fairness to your testimony.

Chief SCHROTEL. Perhaps I was somewhat facetious in this commentary.

The CHAIRMAN. I am sure you did not mean that you are going to deliberately violate the Constitution.

Chief SCHROTEL. We are empowered to arrest those individuals whom we reasonably believe have committed or are about to commit a felony. Now, this is a very elastic concept. We would have to relate the presence of this individual to the environmental pattern, to the history of crime in that area.

Now, this is a matter of reliance solely upon the judgment of the officer. It is a rather difficult thing for him immediately to determine whether he is functioning within the framework of this statutory right, insofar as the rights of this particular suspect are concerned—where great minds in an unemotional forum differ in 5 to 4 decisions. This places the judgment of the police officer on a rather high plane.

I was just suggesting that maybe he may be in error when he does that, when he brings this man into custody.

But I think that he has this concomitant responsibility, however, to respond to the taxpayer who summoned him for service, to provide some protection against an individual whom he feels is jeopardizing his own rights.

The CHAIRMAN. I think that clarifies the record. I probably should have picked it up at the time you were making your statement. I was positive that you were not advocating that the Constitution be violated. That you operate to the best of your ability in Cincinnati, Ohio, within the framework of the Constitution. Maybe it ultimately turns out you have violated some constitutional right, but you do not deliberately do so.

Chief SCHROTEL. Thank you for extricating me, Senator.

The CHAIRMAN. I certainly appreciate your coming here, Chief. We recognize you do have many problems. We also recognize the area in which you are working is a very difficult one. Thank you very much.

Our next witness will be Sheriff Canlis from San Joaquin County, Stockton, Calif., a member of the board of governors, National Sheriffs Association.

I also want to express my appreciation to you for coming here so that you might give us the benefit of your views on this very difficult problem.