

resolved to the benefit of the suspect and he is not arrested after detention.

Police operations under these rules established by the *Mallory* decision and the District of Columbia regulation, would necessitate their all being formally charged before a committing authority.

The harsh references to police in the dictum of the court decisions inferring and even accusing that the situation leading to the *Mallory* and *Killough* (1960) and other similar rules, was a police technique by design, of modern-day third-degree methods in order to obtain damaging statements and admissions and confessions.

I submit our record of solutions to crimes is not so good as to substantiate the accusations of the heinous practices that are attributed to us in these decisions. This archaic thinking must also be influencing many of the other court directives in the review of our activities on appeal.

It is a very dangerous doctrine to consider the judges as the ultimate arbitrators of all constitutional questions. It is one which would place us under the despotism of an oligarchy. Gentlemen, Thomas Jefferson wrote that to William Jarvis in 1820.

Article IV of the amendments to the Constitution of the United States, is familiar to us all. It is of very deep concern that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated.

However, I would like to misinterpret this as to be applied practically, and ask you how this guarantee is to be accomplished under the ever-increasing restrictions on the frontline force of Government.

The police, charged with the responsibility of preventing crime, are being rendered almost sterile by their obedience to the interpretations of the courts to the law of the land.

I submit justice is also the apprehension, detention, and punishment of the criminal offender who is a recipient of justice when held accountable for his criminality.

I respectfully urge, then, that this committee of the Senate look beyond the immediacy of this hearing and examine the whole spectrum of judicial law as it affects this vexing problem.

Law enforcement wants and desperately needs and will accept, workable rules that can be understood and applied to discharge their responsibility.

The CHAIRMAN. Sheriff, I certainly appreciate your presence here. I assume, from the general tenor of your very carefully worked out statement, that you are experiencing an upsurge of crime in California. Is that correct? How about your own town? Is crime up over a year ago?

Sheriff CANLIS. Upsurge just would not be adequate to describe it. It is a real threat to the peace of the community, Senator.

The CHAIRMAN. How many people do you have in San Joaquin County?

Sheriff CANLIS. 275,000.

The CHAIRMAN. Is your crime rate on major crimes—up from a year ago?

Sheriff CANLIS. Fortunately, in some areas it is not up as would make a great impression. But I can explain it better by telling you that in a county of our size we have 900 people in jail.