

The CHAIRMAN. How many were there in jail a year ago, or 5 years ago?

Sheriff CANLIS. The high last year was about 1,200, and 5 years ago it was down to between 550 and 600.

The CHAIRMAN. Of course, 5 years ago you did not have 275,000 people.

Sheriff CANLIS. We are not the fastest growing area in the State, Senator, but we had 250,000.

The CHAIRMAN. Is it the feeling of your law enforcing officers in San Joaquin County that part of the increase in the crime rate in a county of 275,000 people is due to the restrictions that are placed upon the police in the matter of either investigation of crime, or the admission of confessions?

Sheriff CANLIS. There is no question about it, Senator. We are frequently faced with recharging a man who has been arrested a short while before with an entirely new offense.

The CHAIRMAN. If what you say is correct, isn't this based upon court decisions involving constitutional guarantees?

Sheriff CANLIS. Some of them are, yes, Senator, and some are—like the rule of discovery is not a constitutional question in California. But under the rule of discovery, which applies to us in California, the material that we have concerning a defendant is available to the defense.

The CHAIRMAN. This is a statutory provision?

Sheriff CANLIS. No; it is a ruling of the court.

The CHAIRMAN. This is a court rule of your San Joaquin County court system?

Sheriff CANLIS. No—the State of California.

The CHAIRMAN. The Supreme Court of California?

Sheriff CANLIS. I am not certain how extensive—where that rule originated. It may have come down from a Federal court. But it is there, and it applies to the entire State. Some of the recent things that we have done to overcome this is made the same application for the rule of discovery against the defense. In some cases it has been allowed, in some cases it has not.

The CHAIRMAN. On this complaint that you are making, do you take it before your State legislature in Sacramento, and ask for changes in the law?

Sheriff CANLIS. Yes, Senator; we are there constantly.

The CHAIRMAN. I take it that you do not reap the success that you think you should when going before the legislature for a change in the law.

Sheriff CANLIS. The law has been changed; it has been modified; and it has been then interpreted.

The CHAIRMAN. Your problem is that you still do not have the tools you believe you need to effectively work as a law-enforcement officer?

Sheriff CANLIS. I am certain that is true, Senator.

The CHAIRMAN. You think you could be supplied those tools by your California State Legislature and still remain within the provisions of the Constitution?

Sheriff CANLIS. I would insist that we stay within the provisions of the Constitution, Senator. I seek no escape from the Constitution of the United States.