

and molestations. To meet this need, local communities in our free society have created uniformed bodies of police to prevent crimes and to bring to court those who commit them. Responsibility for the prevention of crime rests principally on city police forces, sheriffs' departments, and local detachments of State police.

A crime occurs when a person who desires to commit it discovers the opportunity to do so. Such unwholesome desires spring from and are a reasonable measure of criminality. The police cannot prevent the development of criminality, except as their contacts with potential and actual offenders may have this wholesome effect; nor are the police charged with this responsibility. Their basic purpose is to remove or lessen by both physical and psychological means the opportunity to commit crimes.

To prevent crime, the police must either stand guard at every point of possible attack, which is a physical and economic impossibility, or intercept the person with criminal intent before he robs, rapes, or kills. It is better to have an alert police force that prevents the crime than one that devotes its time to seeking to identify the assailant after the life has been taken, the daughter ravished, or the pedestrian slugged and robbed.

The task of the police in preventing crime is quite different from that of identifying the perpetrator and marshaling evidence to prove his guilt. To prevent crime by intercepting the criminal while he seeks his prey is not unlike hunting a predatory animal; prompt and decisive action is called for at a critical moment not of the huntsman's or policeman's choosing. The policeman who fails to act at the critical moment may nonetheless prevent an impending crime, but the criminal who more times than not is wanted for previous unsolved crimes, remains at large to continue his depredations. Restrictions on arrest privileges hamper the police not only in preventing crime but also in clearing cases by the arrest of the perpetrator and in marshaling evidence to support prosecution.

The local police feel the restrictions imposed on arrest privileges more keenly than do the specialized police agencies. I am mindful of the question you put, Senator, to Mr. Gasch suggesting that some of the opponents to the proposed bill has indicated that Federal agencies such as the FBI have learned to live with the *Mallory* rule. Here we say that specialized police agencies, whose principal responsibility is the gathering of evidence to identify and convict persons after they have committed a crime, rather than to prevent the act in the first instance.

These people do not feel as keenly as the local police restrictions that the *Mallory* rule imposes.

Frequently the criminal, whose act is within the jurisdiction of a specialized police agency, has already been arrested by local police who often apprehend him in the act or in flight from the crime scene. These are critical moments for police action. In cases where the culprit has not been arrested, the critical moment for arrest can often be set by the specialized police; it is planned after sufficient evidence is marshaled to justify the arrest which is often authorized by warrant. In contrast, most arrests by local police are made without warrant at a critical moment not of their choosing before they have had an opportunity to marshal evidence beyond what they personally observed at the time.