

present some data that would show that this would not really solve the problem. And let me say again I recognize that there is a problem. I am not minimizing the crime problem in the city of Washington. I believe action is needed. But not this action.

Secondly, I would like to suggest to the committee why I do not believe these measures would aid the police or would result in the clearance of innocent persons who would otherwise be charged with crime. And I will support that with some specific instances which I believe can be checked out and verified.

Finally, the third point that I would like to make is that the only telegraphic message to the underworld that Washington is soft on crime and that our courts molycoddle criminals has been sent by anti-*Mallory* propagandists who transmit a false message.

Looking at the first point, that is, that the police would be able to catch and convict the guilty if they only had these handcuffs removed. Well, in 1960 in this city we had what was known as the investigative arrest, it was in full force. There was no requirement that this arrest meet the requirement of probable cause. The man was not taken before a magistrate. The police could keep him as long as they wanted, apparently to interrogate him.

Now the statistics that I will refer to the committee here come from the Police Department's own files.

In 1960 one-third of all felony arrests were for investigation. In that year 1,356 people were detained for investigation for 8 hours or more. Of these 1,340, or all but 16, after that interrogation, were released without any sort of charge at all. That means that 1.2 percent were charged with a crime, after this prolonged detention.

The same year, there were 690 people who were detained for over 12 hours. Seven of these were ultimately charged. Again, in all 1 percent of the cases were the police aided in the solution of crime in any measurable way.

Now, Police Chief Murray at various times has told the Congress that most of the murders, the rapes, and robberies he has seen were solved because of interrogation that would not be solved if the *Mallory* rule stood. He has said different things at different times. But let's look at the statistics on these major categories of crime.

In that year, 1960, 221 persons were arrested for investigation of homicide. All but one were released without any charge. During the same period, there were 120 persons arrested for investigation of rape. All but three were arrested without any sort of charge. And so the statistics go.

The CHAIRMAN. The only point I would ask you, simply for clarification, is why you select 1960. You say that you select it because investigative arrests were in their full flower then. What was the statistical record in 1959 or 1961 or 1958?

Mr. SHADOAN. I select these statistics, Senator, because these are the statistics represented in the report to the Commissioners by the so-called Horsky committee.

Everyone is not allowed to go through the police files and find out what the facts are. I can only submit to this committee those statistics presented in that report.

This points up something that is very important, at least in my judgment