

These statistics that I have presented, some of which are from 1961 and some of which are from 1959 in the Horsky report—naturally I pick out the statistics which seem the most dramatic. But they all basically are in this area. These have been available. People have known about them.

But otherwise responsible officials have continued to make statements who knew of their existence, they have sloughed off these things or ignored them. It seems to me they must be dealt with.

The CHAIRMAN. The year 1960, you say, is fairly representative of the actual statistical experience concerning investigative arrests in the Police Department in Washington, D.C. Is that the point you are making?

Mr. SHADOAN. Yes. I cannot say that 1960 is representative of every year. I do believe that the report shows that with some slight modification in the percentages, the area that was studied came up with about the same result.

Now, I would have to make this qualification.

This statistical report may not reflect those persons who confessed before they were charged or booked for investigation. But it does not seem to me this is a major qualification, because after all these people are not subject to the *Mallory* rule. This is not a real problem.

The CHAIRMAN. Very well. I understand the first point you are making.

Mr. SHADOAN. Now, secondly, I would like to comment upon the bill proponents' solicitude for the innocent suspect. They say that unless the police are allowed to detain and interrogate under the present restrictive procedures in the haste to get before the committing magistrate these people will be charged with a crime and thus when the case is later dismissed, they will be left with the enduring stigma of a police record. But if we have a sufficient time, the police will check out their story, verify it, check out the shaky identification, they will check out the alibi witnesses, et cetera, and if he is innocent he will never be charged with a crime and he won't be left with a police record.

We are told that we can rely upon the voluntary self-restraint and the discretion of the police to conduct such a thorough investigation which will clear the innocent and convict the guilty.

Now, with reference to that point I have got to say initially that so far as I know it is true that alibis and identifications are checked out in the sensational cases. My remarks will relate to the run of the mill armed robbery, street robbery, aggravated assault that really make up these frightening statistics.

In these cases it is my judgment that the common police approach is to secure enough evidence against a particular suspect to meet the requirement of probable cause before the committing magistrate, and to meet the evidentiary requirements of the prosecuting attorney so he won't kick the case out.

When they get that quantum of evidence, it is at that point that the police investigation stops. The crime is solved, the crime is cleared for the purpose of police statistics. And for the purpose of my remarks today, I will refer to this as the clearance concept.

Any investigation after that quantum is met is a matter for the defense, a matter for the defense attorney.