

police officer to arrest for a misdemeanor or simple assault, even though he has probable cause to believe that an offense has been committed.

A number of cases fall into this kind of a category and there I think the police should have that kind of authority. Now, I might add that—

The CHAIRMAN. Will you repeat that? Did I understand you to say that they cannot arrest with probable cause in the case of a simple assault?

Mr. PYE. Yes, sir.

The CHAIRMAN. Is that by court decision?

Mr. PYE. It is by statute, sir.

The CHAIRMAN. By statute?

Mr. PYE. Yes; by statute. The statute permits arrest for probable cause in felony cases and in certain specific misdemeanor cases included as a result of the omnibus crime law of 1954. Simple assault is not one of these categories, and I think it should be. I think this should be changed.

I think that serious consideration might be given to the policies governing the nolle prosses entered by the office of the U.S. attorney. I do not suggest, and I do not intend to suggest, that they are not doing the best possible job, but a former roommate of mine is a chief of that division which is engaged in those nolle prosses. The fact remains that almost two-thirds of the cases which are brought to his office by the police are not prosecuted, either because of shortage of manpower or the belief that the defendant would be acquitted or that the police believe that the defendant would be placed on probation, anyway, and that may have a distinct relationship to recidivism in the District of Columbia, the probationary policies, the strengthening of the probationary system here, so that the time of the police will not be spent trying to assist probation officers trying to find individuals who have breached probation.

We have an extraordinarily sad situation there, in my opinion. The average probation officer in the District of Columbia has over 84 cases entrusted to him for supervision each month and the idea of—trying to forward the rehabilitation idea is absolutely absurd when the officer has to spend—when he only has 10 minutes a month to spend with each person under his care, and that is about what it works out to, if my figuring is correct.

The provision that Chief Murray mentioned at the time of the Senate Appropriation Committee hearings earlier this year, the transfer of uniformed officers from clerical positions to positions on the street and replacement by clerical personnel or, in the alternative, the addition of more police officers—all of these will help the problem.

I do not think, however, that the passage of the bill in question will help and, in fact, it may hinder progress.

Witnesses before this committee yesterday spoke of the very unfortunate situation of police departments throughout the country being held in disrespect by substantial segments of the population. Well, that is true, and one of the reasons—one of the reasons, obviously, is the fact that when 20 people are arrested for investigation without probable cause and 19 of them are subsequently released, those 19 are less likely to respect the police than they were prior to its happening—