

gation, inconsistent with the provisions of the fourth amendment to the Constitution of the United States.

The council supports the enactment of section 302, provided it is amended in the fashion recommended by the Department of Justice and the Commissioners for the District of Columbia.

The CHAIRMAN. Our next witness will be Police Chief Murray.

STATEMENT OF ROBERT V. MURRAY, CHIEF, DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT; ACCOMPANIED BY JOHN B. LAYTON, DEPUTY CHIEF OF POLICE, CHIEF OF DETECTIVES; AND JERRY V. WILSON, CAPTAIN, BUDGET OFFICER

Mr. MURRAY. I have with me Deputy Chief Layton and Capt. Jerry Wilson.

The CHAIRMAN. We are very happy to have both witnesses accompanying you.

Mr. MURRAY. I have a statement which I would like to put in the record.

The CHAIRMAN. Without objection you may incorporate your full statement in the record at this point. You may highlight it in any manner.

(The statement referred to follows:)

STATEMENT OF ROBERT V. MURRAY, CHIEF OF POLICE

Mr. Chairman, titles I and III of H.R. 7525 are designed to fulfill the three paramount needs for legislation to improve law enforcement in this city. Altogether, these two titles would provide for—

1. Clarification of the intent of Congress as expressed in rule 5(a) of the Federal Rules of Criminal Procedure;
2. Legislation in the nature of the Uniform Arrest Act, as an alternative to the now prohibited practice of investigative arrest, to empower police officers to detain probable felons for questioning; and
3. An effective statute authorizing the detention of a material witness to the commission of a felony.

Mr. Chairman, from the standpoint of police operations, these three items are the outstanding legislative needs of this city; I would rank them by importance in the order I have just listed them.

As I have frequently reported to the Congress, under the hampering effect of the *Mallory* ruling and corollary decisions, our rate of offense clearance has decreased and the related effectiveness of swift arrest and punishment and of removing criminals from the streets has been diminished. I have previously furnished to this committee a table with an explanation showing the readily apparent relationship of the *Mallory* decision to the clearance of part I felonies in the District of Columbia; for the convenience of members of the committee, I have furnished additional copies of that material for their examination today. This table reflects the fact that, for the fiscal year 1963, our rate of clearance of part I felonies stood at 44.6 percent, the lowest rate for any of the past 12 years.

Second only to the need for legislation to broaden police authority and police procedures under rule 5(a) is the need for a statute to empower police officers of this city to detain probable felons for questioning. As this committee is aware, since March 15, 1963, arrests for investigation by the Metropolitan Police force have been prohibited by order of the Board of Commissioners.

I have furnished today, for the information of the committee, a table comparing our crime clearance rates, by months, for the calendar years 1960, 1961, 1962, and 1963. These data clearly reflect the adverse effect which changed policies on arrest for investigation have had on the clearance of crime in this city. For the calendar year 1960, before the Commissioners' Committee began its study of arrests for investigation, this department cleared 59 percent of the serious (crime index) offenses reported in this city. In March 1961, when the study by the Committee began, the rate of crime clear-