

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 clearance immediately declined, and for that calendar year our rate of clearance for serious offenses dropped to 51 percent. This decline in rate of clearance continued through the calendar year 1962, and for that first full calendar year after the examination of investigative policies was begun, our clearance of serious offenses dropped to 45 percent. Comparison of data for the first 9 months of 1962 and 1963 will clearly show you that our clearance rate for this calendar year is likely to be even lower.

On the subject of detention of witnesses, in its printed report, the Commissioners' Committee on Police arrests for Investigation pointed out that the present statute governing detention of material witnesses in the District of Columbia is so cumbersome that it is of no practical value to the police and is almost never used. The committee recommended reexamination and possible improvement of the statute and regulations on that subject. I am in full accord with that particular recommendation of the committee.

I want to emphasize to you, as I did to the House District Committee, that any material witness legislation, to be effective for the police, must, as the Commissioners' Committee on Police Arrests for Investigation put it—

play its proper function in insuring that persons who have knowledge of a crime will not disappear before a trial of the offense can be had.

To serve that function, the statute must be applicable to material witnesses before, as well as after, formal initiation of proceedings by the criminal courts. Section 302 of H.R. 7525 does fulfill that purpose.

Mr. Chairman, opponents of legislation to negate the *Mallory* rule and of legislation to the nature of the Uniform Arrest Act have put forth several arguments in support of their opposition. Four principle arguments are, first, that the current rules governing detention of suspects by the police prevent police brutality; second, that increased efficiency of the police force would obviate the need for legislation to overcome the *Mallory* ruling; third, that increased reliance by the police on scientific investigative techniques would overcome the problems imposed by prohibitions against questioning of a suspect; and fourth, that crime rates and crime clearance rates of the District are really not too bad in comparison with other cities and that, therefore, legislation regarding *Mallory* and the Uniform Arrest Act is not actually needed.