

the end of September, crime in this city was at an alltime high and had increased 56 percent over the low point of June 1957.

On another subject, Mr. Pye states that in the *Miska Merson* case, the police detained an individual for 60 hours before arraignment, and that one of the juveniles involved was subjected to an intensive interrogation for 35 hours. A narrative account of the investigation of this case is on record with your committee in the joint hearings before the Senate and House Committees on the District of Columbia earlier this year. That narrative outlines in detail the periods of detention of the various principals and the need for detention of each and, incidentally, will show that none of them was intensively questioned for 35 hours.

Mr. Pye also mentioned a *Leroy Pane* case, which we have been unable to identify and, therefore, offer no comment here.

III. PROPOSED ALTERNATIVE TO UNIFORM ARREST ACT

During my testimony before the committee, the chairman remarked that to his recollection only one of the many witnesses appearing before the committee had supported section 301 of H.R. 7525 as a constitutional provision. In my own testimony to the committee, I noted that my understanding was that even some of the supporters of title I of the bill had testified that section 301 would not be constitutional, and I informed the committee that, despite the acute needs of law enforcement, I would not want to recommend any clearly unconstitutional provisions.

Still, I feel a duty to impress upon the committee the acute need for some provision to authorize a police officer to detain and question a person found under "probable cause" circumstances without placing a permanent formal charge and arraignment against the person detained. Again I would remind the committee that we have had a number of cases where formal, serious criminal charges have been placed on the records of persons arrested on probable cause who were later released, without trial, when further investigation of the facts by the police have proven them innocent. And under existing law, such a charge cannot be expunged from the record of the person arrested.

Recognizing that section 301 might have been construed to be unconstitutional because of the breadth of its provisions, I should like to offer for consideration of the committee a more limited proposal which may be more in line with constitutional requirements. A similar proposal has recently been considered in one of the State legislatures and is as follows:

RIGHT OF DETENTION

A. A peace officer may detain for a reasonable period of time any person who, he believes, on reasonable grounds, has committed, is committing, or is about to commit any offense, even though the nature of the offense may be unknown, and may conduct such investigation as he believes, on reasonable grounds, to be necessary.

B. A period of detention in excess of 6 hours shall be prima facie unreasonable. At the end of the detention period the person so detained shall be released or shall be arrested.

C. The release of the person detained does not render the detention unlawful.

Sincerely yours,

ROBERT V. MURRAY, *Chief of Police.*

DIVISION OF POLICE, CITY OF MADISON,
Madison, Wis., April 13, 1961.

Mr. ROBERT V. MURRAY,
Chief of Police, Metropolitan Police Department,
Government of the District of Columbia, Washington, D.C.

DEAR SIR: It is my belief that the information you requested in your letter of April 4, 1961, governing arrests is well covered in citations from the 1959 Wisconsin statutes:

66.31 Arrests. Any peace officer of a city, village, or town may, when in fresh pursuit, following into an adjoining city, village, or town and arrest any person or persons for violation of State law or of the ordinances of the city, village, or town employing such officer.