

CITY OF DALLAS,
POLICE DEPARTMENT,
Dallas, Tex., April 14, 1961.

ROBERT V. MURRAY,
Chief of Police,
Washington, D.C.

DEAR CHIEF MURRAY: The State of Texas is perhaps slightly more lenient with peace officers than are many States regarding the detention of prisoners arrested on suspicion or investigation. Actually, there are no statutes or city ordinances which set the particular time between an arrest and the filing of charges. It is our policy for detectives to interrogate persons in custody on investigative charges within 24 hours. This policy is not always strictly adhered to, though generally it is.

When a person is held on an investigative charge in this department, and is released without a formal charge, the normal procedure is for the investigating detective to sign the investigative worksheet authorizing release of the prisoner.

I am attaching some of the State statutes which may be of interest to you. Included are several court decisions relative to confessions and delays in taking defendant before a magistrate.

I hope this information will be beneficial to you in your study.

Sincerely yours,

J. E. CURRY, Chief of Police.

Article 212. Code of Criminal Procedure. State of Texas, Offense Within View

A peace officer or any other person, may, without warrant, arrest an offender when the offense is committed in his presence or within his view, if the offense is one classed as a felony, or as an "offense against the public peace."

Article 214. Code of Criminal Procedure. State of Texas, Authority of Municipality

The municipal authorities of towns and cities may establish rules authorizing the arrest, without warrant, of persons found in suspicious places, and under circumstances which reasonably show that such persons have been guilty of some felony or breach of the peace, or threaten, or are about to commit some offense against the laws.

Ordinance 4290. Dallas City Code

All policemen in the city of Dallas, in the exercise of sound discretion, may arrest without a warrant therefor any person or persons found in suspicious places, or any person or persons found under circumstances reasonably tending to show that such person or persons have been guilty of some felony or breach of the peace or violation of some municipal ordinance, or are about to commit some offense against some State law or against some municipal ordinance.

Article 215. Code of Criminal Procedure. State of Texas, When Felony Has Been Committed

Where it is shown by satisfactory proof to a peace officer, upon the representation of credible person, that a felony has been committed, and that the offender is about to escape, so that there is no time to procure a warrant, such peace officer may, without warrant, pursue and arrest the accused.

Article 216. Code of Criminal Procedure. State of Texas, Rights of Officer

In each case enumerated where arrests may be lawfully made without warrant, the officer or person making the arrest is justified in adopting all the measures which he might adopt in cases of arrest under warrant.

Article 217. Code of Criminal Procedure. State of Texas, Must Take Offender Before Magistrate

In each case enumerated in this chapter, the person making the arrest shall immediately take the person arrested before the magistrate who may have ordered the arrest, or before the nearest magistrate where the arrest was made without an order.

DECISIONS

The court knows that in the regular course of official business, magistrates before whom the statute requires the defendant arrested be immediately taken, cannot keep open offices at night. Hence, under the circumstances it was im-