

"there was a temporary holding or arrest for examination purposes, and this is not a committal to prison within the spirit of our statute. Such an examination precedes a committal and an accused may be released before a warrant is issued."

"We do not understand that the Supreme Court reversed the *Ashcraft* case because of his detention but owing to the treatment he received during his detention. We think the bare detention of this defendant is not sufficient to render his confession inadmissible."

From the two above opinions, it appears that the police department has the full authority to detain, question, and take a confession from any person suspected of committing a crime prior to taking them before a magistrate or judge, and said detention can be for as much as 72 hours, so long as the person detained is not mistreated.

In the case of *Rosenthal v. State*, 200 Tenn., page 178, the Supreme Court said:

"In prosecution for homicide, record did not show that the defendant was prejudiced by being held incommunicado for 6 days after his arrest or by the fact that a preliminary hearing was held in the private office of an inspector instead of in the courtroom, and therefore there was no showing that the constitutional rights of the defendant were violated."

POLICE DEPARTMENT,
CITY OF COLUMBIA, S.C.,
April 20, 1961.

HON. ROBERT V. MURRAY,
Chief of Police, Metropolitan Police Department,
Washington, D.C.

DEAR CHIEF MURRAY: Please accept my apologies for not having answered your letter of April 4, 1961, until this time. The reason for the delay has been that I have discussed your problems several times with our city attorney.

We are fortunate here in Columbia in having reasonable cooperation from our criminal lawyers, who, in most cases, will give us a reasonable amount of time to complete our investigations. It is also the rule in our jurisdiction that we will be allowed at least 4 days to make an investigation as that is the statutory time required for notice of a hearing before a circuit judge or county judge on a writ of habeas corpus.

We, too, have been very much disturbed about the decision in the *Mallory* case, and our city attorney thoroughly disagrees with the opinion. However, as of this time, it has not affected our operations.

This is about all the information I can give you in regard to our investigations. I certainly sympathize with you and feel that it is ridiculous to cause a court to be called in session during the nighttime and having all parties concerned attend the court. It would appear that the Supreme Court, sitting in its ivory tower has completely overlooked the practical aspect of law enforcement in this Nation and seems solely concerned with the welfare of the criminal element.

Yours very truly,

L. J. CAMPBELL, Chief of Police.

PROVIDENCE POLICE DEPARTMENT,
Providence, R.I., October 30, 1961.

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

DEAR CHIEF MURRAY: I am pleased to send you herewith a copy of the Providence Police Academy's latest training bulletin which, coincidental with your recent request for same, has as its subject "The Rhode Island Arrest Law."

This department publication, will, I am sure, provide some specific information you seek as study reference material in consideration of your interest in any adaptations of the provisions of the model Uniform Arrest Act.

The department procedures followed in operation of this statute are explained at some length with one exception: directing your attention to page 14, paragraph B, section 1, "Temporary Detention of Suspects," it is the practice of all enforcement units of this department to maintain a so-called 2-hour book in which a brief summary of the detention action is kept. This book is strictly an