

we must request the approval of a judge, and the practice in the recent past has been that the judges are reluctant to grant such requests and seldom do.

The department has no procedure or practice by which it is able to charge a person for an offense, investigate, etc., and then, after a prescribed period of time, release him without benefit of a hearing. Anyone held for a period of time must be formally charged. This, of course, does not mean in those instances where a person may be interrogated for an hour or two as a suspect and then permitted to leave.

Hoping this is satisfactory, I remain,

Sincerely yours,

HOWARD R. LEARY,
Deputy Commissioner.

P.S.—Please give my regards to Howard Covel.

POLICE DEPARTMENT,
CITY OF PHILADELPHIA,
Philadelphia Pa., March 16, 1961.

EDGAR E. SCOTT,
*Deputy Chief of Police,
Chief of Detectives, Metropolitan Police Department,
Washington, D.C.*

DEAR CHIEF SCOTT: This will reply to your letter of March 14, 1961, concerning the practices of holding people for purposes of interrogation prior to formal arrests.

Usually we are able to offer sufficient testimony at the preliminary hearing, before a favorable magistrate, so that he (the magistrate) is able to continue the case for a day or two permitting us the time necessary to get additional information. However, this isn't the practice that is constantly indulged in but is saved for those instances when it is advantageous for us to make the request of the magistrate.

In some instances we interrogate people for a matter of a few hours and then permit them to go home, but those individuals are not formally charged with any crime.

We also have what we call the 24-hour rule which requires us to give a person a formal hearing within 24 hours after they are apprehended by the police. This procedure is religiously adhered to, and we allow for no deviations or exceptions to this policy.

In those instances where we haven't sufficient information to hold the crime suspect, we usually do not interrogate him formally but continuously keep him under surveillance, of course without his knowledge, until we are in a better position to take him into formal custody.

We are also experiencing some resentment when our policemen stop automobiles in order to question the suspect for other reasons than motor vehicle violations. In fact, at the moment it appears to be getting critical.

Sincerely,

ALBERT N. BROWN, *Commissioner.*

THE CITY OF OKLAHOMA CITY,
Oklahoma City, Okla., April 17, 1961.

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

DEAR CHIEF MURRAY: Reference is made to your communication dated April 4, 1961, regarding information on investigation arrests prior to filing charges.

We have no authority to certain specified periods of delay between the arrest and the arraignment for the purpose of fully investigating a criminal case before a felony charge is filed. The practice followed in our jurisdiction in an investigation arrest is that officers of our agency do not take the prisoner before a magistrate. We file our charges in county court and the sheriff's officers pick up the prisoner and arraign him or her in justice of peace court.

In certain cases when an investigation arrest is made, the prisoner's attorney files a writ of habeas corpus before we have time to make the investigation. The prisoner is then taken before a district court judge for a hearing and if the case is of serious nature, the district judge will grant us a reasonable amount of