

time (not specified) to complete our investigation and file charges. All statements, written, recorded, or oral, can be used in the State court.

We trust the above is the desired information, and if we can be of further assistance, please advise.

Yours very truly,

ED. E. RECTOR,
Chief of Police.
HILTON GEER,

Major, Commanding Bureau of Investigation.

CITY OF CINCINNATI,
DEPARTMENT OF SAFETY,
DIVISION OF POLICE,
Cincinnati, Ohio, May 3, 1961.

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

DEAR CHIEF MURRAY: The following is submitted relative to your letter of April 4.

After considerable research relative to precourt obtained confessions and the practice of police arresting and holding suspects for investigation, we found:

1. No specific case reported in the State of Ohio.
2. No mention of an allotted time a prisoner may be held before being taken before the court.
3. Nothing on the question of admissibility of a confession gained prior to court.

Section 2935.05 of the Ohio Revised Code specifies the obligation of a person who has effected an arrest and reads as follows:

"When a sheriff, deputy sheriff, marshal, deputy marshal, watchman, or police officer has arrested a person without a warrant, he must, without unnecessary delay, take the person arrested before a court or magistrate having jurisdiction of the offense, and must make or cause to be made before such court or magistrate a complaint stating the offense for which the person was arrested.

The crux of the question is the length of time police are permitted to hold a person in custody before taking him to court. In the absence of any law in the State of Ohio, such as the "Uniform Arrest Act" adopted in the States of Delaware, New Hampshire, and Rhode Island which permits police to hold a person in custody "for as long as 24 hours" the courts in Ohio seem to rely on the above mentioned clause—"unnecessary delay." The basis for a suspicious arrest, in our opinion, is the main factor determining the court's outlook on the arrest. What constitutes a "reasonable and probable" ground of suspicion is incapable of exact definition, beyond saying that the officer must not act arbitrarily, but must exercise his discretion in a legal manner, using all reasonable means to prevent mistakes. In other words, he must be actuated by such motives as would influence a reasonable man acting in good faith. These standards have been attained in our department due to constant supervision of arrests and the education afforded the members of our department. We must consider the following dilemma created by a police officer's right to arrest on "probable cause" or "reasonable grounds" and the requirement that the arrestee be taken "without unnecessary delay" before the court for the placing of a criminal charge against him. In order to charge a person with a criminal offense, more is required than "probable cause" or "reasonable grounds" and unless there is evidence of guilt, the court would order the release of the arrestee. This suggests to us that our courts feel that the police should be given an opportunity to detain a person for a "reasonable time" for investigation or interrogation before taking him to court.

As to the matter of admissibility of confessions in court, there is a definite stand on confessions gained through coercion. Every coerced confession has been inadmissible for generations in our courts. If a prevalent abuse of the right to question prisoners exists, the sounder remedy lies in police discipline, as has been our policy, with the result that we have been upheld by our courts when the question arises as to the admissibility of confessions gained during detention before arraignment in court.

In answer to the inquiry as to our procedure in the case of an individual held for investigation and released without formal charge we follow a similar procedure prescribed in section 10 of the "Uniform Arrest Act" which reads as follows: