

"Any officer in charge of a police department or any officer authorized by him may release instead of taking before a magistrate any person who has been arrested without a warrant by an officer of his department."

We hope this information will assist you. If we can be of further service, please call on us.

Sincerely,

S. R. SCHROTEL, *Police Chief.*

CITY OF COLUMBUS, OHIO,
April 10, 1961.

ROBERT V. MURRAY,
*Chief of Police, Metropolitan Police Department,
District of Columbia.*

DEAR CHIEF MURRAY: Received your letter of April 4, 1961, relative to the use of investigative arrests. Our department has no statutory authorization for detaining a suspect for any period of time without obtaining a warrant.

Previously, Ohio General Code, section 2935.05, said, in part, "A police officer who has arrested a person without a warrant must, without unnecessary delay, take the person before a court or magistrate, etc." The interpretation by our judges of the words "unnecessary delay" usually permitted us to detain a person for a reasonable period of time (1 to 3 days), as long as we were actively and continuously in the investigation of the case.

However, effective January 1, 1960, an amendment to this section was made, requiring an officer to "undertake immediate steps to secure a warrant."

Section 106.13, the Ohio General Code further states:

"If the judge or magistrate has brought to his attention that a prisoner is held in jail in his jurisdiction without commitment from a court or magistrate, he shall, by summary process, cause such prisoner to be brought before him to be charged."

More and more attorneys are resorting to the use of this section, forcing us to charge many persons that would perhaps have been freed without formal charges had we been given a few more hours to investigate.

Any subject charged and found not guilty or held for investigation and released without formal charge, may request that his photographs, fingerprints and other records be returned to him. This is authorized by State law.

I think it is only a question of time until our department will be in much the same position as yours. I trust that this information will be of some help to you in your survey.

Sincerely,

GEORGE W. SCHOLER,, *Chief of Police.*

CITY OF CONCORD, NEW HAMPSHIRE,
April 10, 1961.

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

DEAR CHIEF: We have experienced no difficulty in our courts in New Hampshire, because of the more liberal New Hampshire statutes. Ramifications of the *Mallory* decision, apparently has not reached the New Hampshire courts, as yet.

We experience no difficulty in detaining suspects for a period of 4 hours. To my knowledge, any confession or statement legally obtained during the first 4 hours, have not been questioned by the New Hampshire courts.

We are enclosing a copy of some of the New Hampshire statutes that seem applicable in this case.

Sincerely yours,

WALTER H. CARLSON, *Chief of Police.*

CHAPTER 594—ARRESTS IN CRIMINAL CASES

594:1 DEFINITIONS. As used in this chapter.

"Arrest" is the taking of a person into custody that he may be forthcoming to answer for the commission of a crime.

"Felony" is any crime that may be punished by death or imprisonment in the State prison. Other crimes are "misdemeanors."