

vided by statute for the felony concerning which the committed person is preliminarily charged, and if at the expiration of the commitment period no formal charge of felony is placed, said committed person shall be discharged, but otherwise shall stand trial if affidavit or indictment be filed against said person. (Acts 1949, ch. 273, — 1, p. 996.)

CITY OF ATLANTA,
DEPARTMENT OF POLICE,
Atlanta, Ga., April 10, 1961.

Chief ROBERT V. MURRAY,
Police Department Headquarters,
Washington, D.C.

DEAR CHIEF: I enjoyed my visit with you very much and I am sure the inquiry will produce fine results.

In reply to your inquiry of April 4, this is to advise that most of the arrests made by this department are made without warrants, because the Georgia law authorizes an arrest without warrant under the following conditions:

- (1) That the offense was committed in the presence of an officer.
- (2) That the perpetrator is attempting to escape.
- (3) That a miscarriage of justice is likely, because an authorized person, to issue a warrant, is not present.

The chief of police or his agent, is authorized to arrest a person, book a case, assess a bond, and allow a prisoner to be released on bond without going before a judge.

When a person is arrested and cannot post bond, we are required to schedule a hearing before the next session of the city court, where the city judge will assess a fine, dismiss the case, or bind the person over to a State or Federal court.

Where a person is suspected of a crime and is detained for further investigation, we have sufficient time to complete the investigation.

Attached hereto are copies of the Georgia laws that authorize such detention.

Those of us in the police department are just as anxious as the courts to protect the rights of a prisoner as we are to protect the community against his unlawful acts. The local courts, both city and State, have given us full cooperation in these cases.

Trusting this is the information that you desire, I am,

Sincerely yours,

H. T. JENKINS, *Chief of Police.*

CODE OF GEORGIA ANNOTATED—1956 SUPPLEMENT

27-210 (920 P.C.) *Diligence of officer arresting.*—Every officer arresting under a warrant shall exercise reasonable diligence in bringing the person arrested before the person authorized to examine, commit, or receive bail and in any event to present the person arrested before a committing officer within 72 hours after arrest. The arresting officer shall notify the accused as to when and where the commitment hearing is to be held. The offender who is not notified of the time and place of the commitment hearing, before the hearing, shall be released. (Acts 1956, p. 796.)

27-212 (922 P.C.) *Duty of person arresting without warrant.*—In every case of an arrest without a warrant the person arresting shall without delay convey the offender before the most convenient officer authorized to receive an affidavit and issue a warrant. No such imprisonment shall be legal beyond a reasonable time allowed for this purpose and any person who is not conveyed before such office within 48 hours shall be released. (Acts 1956, pp. 796, 797.)

GEORGIA DIGEST, WEST KEY NUMBER SYSTEM

63 (4). *Suspicion or reasonable grounds for belief that offense has been committed*

Georgia 1860. Officer may, without warrant, arrest one on reasonable suspicion of his having committed felony, and he will be protected even though no felony has been committed, if he has reasonable ground for his belief (*Johnson v. State*, 30 Ga. 426).