

if in so doing the investigating authorities give proper consideration to the comfort and well-being of the suspect person, and conduct themselves in a manner free from threats, promises, or mistreatment of the suspect, a confession thus secured may be received in evidence, even though it was the result of several extended periods of interrogation of the accused."

The periods of interrogation referred to were these: On one day the suspect was taken on a trip to the scene of the crime and was questioned. This took 3 hours. The next day he was questioned for 6 hours and 45 minutes, as follows: 11 a.m. to 12 noon; 2 to 3 p.m.; 4 to 6:15 p.m.; and 8 to 10:30 p.m. After 10:30 p.m., the accused talked to one officer for an hour or so. On the following afternoon he confessed.

On voluntariness of confession, see *Bruner v. People*, 113 Colo. 194. On information obtained from involuntary confessions, see *Osborn v. People*, 83 Colo. 4, 28. On compulsory submission, see *Block v. People*, 125 Colo. 136. We also suggest you see our Habeas Corpus Act, Colorado Revised Statutes 1953, 65-1-1, 65-1-3.

In the case of an individual held for investigation and released without formal charge there is no special procedure other than his release from custody.

If we can be of any further assistance, please call on us.

Very truly yours,

JAMES E. CHILDERS,
Chief of Police.

By W. G. NELSON,
Division Chief, Commanding, Criminal Investigations.

POLICE DEPARTMENT,
CITY AND COUNTY OF SAN FRANCISCO,
San Francisco, Calif., April 14, 1961.

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

DEAR CHIEF MURRAY: The following sections I believe are pertinent to your inquiry and are quoted verbatim from the Penal Code of the State of California:

SEC. 821: MAGISTRATE BEFORE WHOM DEFENDANT ARRESTED FOR FELONY TO BE TAKEN: DEFENDANT ARRESTED IN ANOTHER COUNTY. If the offense charged is a felony, the officer making the arrest must take the defendant before the magistrate who issued the warrant, or some other magistrate of the same county, as provided in Section 824.

If the defendant is arrested in another county, the officer must, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the endorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the warrant on which the defendant is arrested in another county does not have bail set thereon, or if the defendant arrested in another county does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within 5 days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

SEC. 822: DISPOSITION OF PERSON ARRESTED ON MISDEMEANOR CHARGE WHILE IN ANOTHER COUNTY: ADMISSION TO BAIL: FIXATION OF TIME AND PLACE FOR APPEARANCE. If the offense charged is a misdemeanor, and the defendant is arrested in another county, the officer must, upon being required by the defendant, take him before a magistrate in that county, who must admit him to bail in the