

(3) The person arrested was arrested for a misdemeanor, and has signed an agreement to appear in court or before a magistrate at a place and time designated, as provided in this code.

In a legal interpretation of the above-described section 825, it was held that this section, which declares that a defendant "must in all cases be taken before the magistrate without unnecessary delay, and, in any event, 2 days after his arrest, excluding Sundays and holidays," does not authorize 2-day detention in all cases, but places a limit on what may be considered necessary delay, and detention of less than 2 days, if unreasonable under the circumstances, is a violation of the statute.

It has been generally held in this State that where the arrest is lawful, subsequent unreasonable delay in taking the person before the magistrate does not affect the legality of the arrest, although it could well subject the offending person to liability for so much of imprisonment as occurs after a period of necessary or reasonable delay.

I trust the foregoing will be of some assistance to you.

Very truly yours,

THOMAS J. CAHILL, *Chief of Police.*

LANSING POLICE,
Lansing, Mich., April 11, 1961.

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

DEAR CHIEF MURRAY: Reference is made to your inquiry of April 4 concerning arrests and arraignments of persons apprehended by this department.

The procedure which we follow can be found in section 157, "Arrest by Peace Officer Without Warrant," Michigan Criminal Law and Procedure, by Gillespie. There is no set time that a subject can be held; however, it must be reasonable.

Sincerely yours,

PAUL TAYLOR, *Chief of Police.*

POLICE DEPARTMENT,
CITY OF NEW YORK,
New York, N.Y., March 27, 1961.

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

DEAR MR. SCOTT: Your communication addressed to the police commissioner relative to the holding of persons for investigation or on suspicion of a crime has been referred to the undersigned for reply.

Please be advised that there is no statutory authority in this State to hold a person for any period of time for investigation or on suspicion of a crime.

Section 177 of the Code of Criminal Procedure outlines the broad powers of arrest by a peace officer without a warrant and should be of assistance in answering your queries.

Section 177. In what cases allowed:

A peace officer may, without a warrant, arrest a person—

1. For a crime, committed or attempted in his presence;
2. When the person arrested has committed a felony, although not in his presence;
3. When a felony has in fact been committed, and he has reasonable cause for believing the person to be arrested to have committed it;
4. When he has reasonable cause for believing that a felony has been committed, and that the person arrested has committed it, though it should afterward appear that no felony has been committed, or, if committed, that the person arrested did not commit it;
5. When he has reasonable cause for believing that a person has been legally arrested by a citizen as provided in sections 185, 186, and 187 of this code.

I trust this information will be of assistance to you.

Very truly yours,

LEONARD E. REISMAN,
Deputy Commissioner in Charge of Legal Matters.