

Bress Gives Briefing on Court Ruling

Police Free to Question Before Arrest

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Last week's Supreme Court ruling on police interrogation of suspects, which sharply limits opportunities to obtain confessions, does not affect the questions an officer asks before making an arrest.

He can question a person at the scene of a crime or elsewhere without warning him about his right to counsel and to remain silent, the Metropolitan Police Department was assured yesterday.

However, once a suspect is actually arrested, no matter how willing he is to talk, the police must repeatedly re-

mind him that he does so at his own risk.

These points were made yesterday by U.S. Attorney David G. Bress in a 90-minute, closed-door briefing for 125 detectives and police officials in which he outlined new procedures for stationhouse interrogations.

The general reaction from his audience was, "It will mean we won't get very many confessions, but now at least we know where we stand."

Bress declined to release his remarks. It was learned, however, that he gave these guidelines:

- An arrested person must

be informed — either at the scene of the arrest, during the ride to the stationhouse or inside the stationhouse — that he does not have to answer questions. If he chooses to talk anyway, he must be warned that anything he says may be used against him.

- On arrival at the stationhouse, a suspect must be informed of his right to telephone a relative, lawyer or friend.

- If he does not have a lawyer and cannot afford to hire one, police must furnish him with names of lawyers willing to represent indigents.

Washington police expect

to receive soon from the D.C. Bar Association, Washington Bar Association and Neighborhood Legal Services Project a list of available lawyers, Chief John B. Layton said yesterday.

- If a prisoner refuses to say whether or not he wants a lawyer, his silence cannot be considered a waiver of his right to counsel.

- When a suspect's lawyer reaches the stationhouse, he must be given an opportunity to confer in private with him.

- As has been the procedure under the Mallory rule, a prisoner must be taken before a committing magistrate without unnecessary delay. However, if he has to wait a while for his lawyer to arrive, the delay between arrest and arraignment can be considered necessary.

- If a suspect waives his right to remain silent and agrees to answer questions, he must be reminded during the interrogation that his right still exists.

- If he changes his mind during interrogation and declines to answer any more questions, the police must respect his wishes. But what statements he has already made are admissible in court.

- If a suspect makes a confession, the government has the responsibility of showing in court that he made it "knowingly, intelligently and voluntarily."

Police indicated that this will cause them more headaches than most of the other new limitations.

Whether the prisoner gives them a written or an oral waiver of his right to counsel, they fear that when he gets to court he will claim that he was forced to confess or that he didn't understand what he was doing.

Police around the country have complained that the Court's ruling will severely hamper their work.

"The result of it all," a Washington detective said, "is that no guy will talk to us until he gets a lawyer, and when his lawyer arrives he'll tell him to stay quiet."

Attorney General Finan issues guide lines for Maryland's enforcement officers on Supreme Court's interrogation ruling. Page C2.