

unofficial record of a police activity and does not conflict with the provisions of the arrest statute.

I hope that you will find the enclosed material helpful; if I can be of any further assistance in this or any other matter of mutual interest, please contact me.

With kind personal regards, I am,

WALTER E. STONE,
Colonel, Chief of Police.

IV. THE RHODE ISLAND ARREST LAW

Up to this point in this manual we have been talking mostly about what a police officer cannot do. We will, in this section, cite the things a policeman can do.

Before going into the actual arrest law as it is stated in the statutes, it is necessary for each officer to understand the definition of the word "arrest."

An arrest is the taking into custody of a person for the actual purpose of bringing that person before a court or otherwise securing the administration of the law.

Another definition that each officer should be thoroughly familiar with is the word "crime," and what constitutes a crime:

A crime is an act of commission in violation of a law forbidding or commanding it, and punishable only in a procedure brought by the Government.

1. In every crime there are two elements:

(a) The objective element: The objective element is shown by an outward act or omission condemned by law.

(b) The subjective element: The law is more concerned with the intent than with the act, because a malicious intent in the commission of a crime makes a person a menace to society, while a good intent in the commission of the same act could make the person innocent.

2. Example: The act of one person hitting another person with a heavy stick: A person with a malicious intent, the intent to injure the other person, for purposes of revenge or other similar reasons, would be arrested and charged with assault with a dangerous weapon.

If the person hitting the other was a policeman, and it was necessary to strike the other person with his baton to affect an arrest, his intent is not a malicious one, he would not be guilty of a crime.

Even though the overt act was the same, one person hitting another with a heavy stick, the intent determines whether there was a crime committed.

A. BACKGROUND OF THE RHODE ISLAND ARREST LAW

The Rhode Island arrest law is essentially the same as the Uniform Arrest Act which was proposed in 1941 and 1942, as a result of the Interstate Crime Commission investigation.

The principal drafter of the Uniform Arrest Act was Prof. Sam Bass Warner of the Harvard Law School. He was assisted by Prof. John Barker Waite of the University of Michigan Law School.

These two men, whose judgment and integrity were respected throughout the country, accompanied the police on their tours of duty in order to learn the true facts of police procedure. Their experiences gave them a sympathetic understanding of the problems confronted by the police in consequence of antiquated rules governing the questioning and detaining of suspects, searching them for weapons when police safety is jeopardized, arresting them when conditions warrant such action, and the right of the suspect under some conditions forcibly to resist arrest by a uniformed policeman.

As a result of their experiences and after a study of the various State laws they drafted the Uniform Arrest Act, which somewhat liberalized a policeman's arrest privileges, in the hope all the States would adopt a uniform arrest law.

As of December 1960, only three States have adopted the principal provisions of the original Uniform Arrest Act. Those States are: Delaware, New Hampshire, and Rhode Island. The superintendent of the Chicago Police Department, O. W. Wilson, has been fighting, for years, for all the States to adopt similar laws to the Uniform Arrest Act.

So, in essence, Rhode Island has a reasonable amount of liberalism insofar as police arrest privileges are concerned. It then becomes necessary for the policemen of Rhode Island to maintain this reasonable degree of liberalism by not abusing any of the privileges set forth in the Rhode Island arrest law.