

B. THE STATUTORY PROVISIONS OF THE RHODE ISLAND ARREST LAW—(TITLE 12, CH. 7, SEC. 1-17) AS CITED IN THE GENERAL LAWS OF RHODE ISLAND

1. *Temporary detention of suspects (title 12, ch. 7, sec. 1)*

"A peace officer may detain any person abroad whom he has reason to suspect is committing, has committed, or is about to commit a crime, and may demand of him his name, address, business abroad, and whither he is going; and any such person who fails to identify himself and explain his actions to the satisfaction of such peace officer may be further detained and further questioned and investigated by any peace officer; provided, in no case shall the total period of such detention exceed 2 hours, and such detention shall not be recorded as an arrest in any official record. At the end of any detention period the person so detained shall be released unless arrested and charged with a crime."

*Explanation*

(a) A policeman may stop any person, not in his own home, whom he suspects is committing, has committed, or is about to commit a crime. You may not stop people indiscriminately without a reason. You must be prepared to answer why you suspected, or what you suspected.

(b) If the person you stop can give you a reasonable explanation for his being at that place at that particular time you may allow him to continue.

(c) If the person you stop cannot satisfy you completely for his actions, you may detain him further by bringing him to the station for further questioning. (You must have a legitimate reason for stopping, or detaining, him in the first place.)

(d) After bringing him to the station you relay your suspicions to the superior in the office and the person may be questioned or investigated for up to 2 hours.

(e) If after 2 hours nothing can be found to warrant charging him with an offense he must be released. (This is not considered an arrest.)

(f) If, after questioning, sufficient grounds are found to charge him, he may be arrested and held for the next session of the appropriate court.

(1) Some actions that could be considered suspicious or questionable are: A known police character prowling around an area where breaks are occurring. A young boy or girl out late at night. A group of men driving around aimlessly late at night. A person carrying bundles at night in a residential neighborhood, etc.

2. *Search of detained person for weapons (title 12, ch. 7, sec. 2)*

"A peace officer may search for a dangerous weapon any person he is questioning or about to question concerning any crime or suspected crime, whenever he reasonably believes that he is in danger from such person carrying such weapon, and if such person is carrying a dangerous weapon, such officer may take and keep it until the completion of such questioning, when he shall either return it or arrest such person."

*Explanation*

(a) Once again, you must have a reason for questioning and if you have reason to suspect the person you are questioning is carrying a weapon you may search him for that weapon if you reasonably believe you are in danger from that weapon.

(b) In the event you are not satisfied with the person's explanation and you decide to convey that person to the station in a police vehicle he must be searched for weapons before he is placed in the vehicle.

(c) It is this writer's opinion that anyone capable of committing a crime is capable of carrying a weapon.

3. *Arrest without warrant for misdemeanor (title 12, ch. 7, sec. 3)*

"A peace officer may without a warrant arrest a person for a misdemeanor, whenever:

(a) The officer has reasonable ground to believe that a misdemeanor has been or is being committed in his presence and that the person to be arrested has committed or is committing it.

(b) The person to be arrested in fact has committed or is committing a misdemeanor in the presence of the officer, and in such case it shall be immaterial that the officer did not believe him guilty or on unreasonable ground entertained belief in his guilt.