

15. Severability of provisions (title 12, ch. 7, sec. 15)

"If any part of title 12-7-14, inclusive, is for any reason declared void, such invalidity shall not affect the remaining portions of said sections."

(a) This section merely means that if some subsequent court action should declare any one section of this chapter void or unconstitutional the rest of the chapter would remain in effect.

(b) As of September 1961 this chapter has withstood and been upheld in the various courts (see *State v. Kilday* attached to this bulletin).

16. Arrest or seizure after commission of offense (title 12, ch. 7, sec. 16)

"The authority given to anyone to arrest any person or seize anything, while such person is actually engaged or such thing is actually used or employed in the commission of any offense, shall not be so construed, as to prevent, if not so arrested or seized, the arrest of such person or the seizure of such thing after the commission of such offense, upon due process of law."

17. Arrest of escapees and parole violators without warrant (title 12, ch. 7, sec. 17)

"The director of the department of social welfare, the warden of the adult correctional institutions, any superintendent or employees connected with any institution under the management and control of the department of social welfare, or any police officer or constable, may arrest without a warrant any person who has escaped from any such institution or who, being absent from such institution, or who being absent from such institution on parole, has violated the conditions of such parole, for the purpose of returning such person to the institution from which the escape was made or from which such parole was granted."

(a) This section speaks for itself and is explicit in stating no warrant is needed to arrest an escapee or a parole violator.

C. SUMMARY OF TITLE 12, CHAPTER 7

We have just completed a verbatim account of the Rhode Island arrest law. It is sometimes referred to as the 2-hour law. In the study of the arrest laws of other States and jurisdictions our arrest law could be considered fairly liberal by comparison. But nowhere in these statutes are the police allowed to indiscriminately detain or arrest. There must be, at least a concrete suspicion, that the person to be detained or arrested has done some wrong. This must be remembered by our policemen in Providence.

The arrest that causes less controversy than any other is the arrest made with a warrant. This warrant is signed by a judge who has considered the merits of the case and has decided there is sufficient grounds for further action. However, it is not always possible to secure a warrant and in this event this chapter allows the police officer to arrest without a warrant under certain conditions. Be certain those conditions are present when making an arrest or even detaining a person.

Some important points to remember when contemplating an arrest are:

1. An officer must comply with the law fully, when conducting a search, to insure that evidence can be legally presented in a case.
2. Evidence obtained as the result of an illegal search, or by use of third-degree methods, force, coercion, or duress, is not admissible.
3. The officer has the right to conduct a search coincidental to an arrest.
4. The purpose of the search, conducted coincidental to an arrest, is for the seizure of weapons, fruits of a crime, or other evidence.
5. An abandoned vehicle can be searched at any time, provided it is not within a building.
6. Search of premises may be conducted coincidental to an arrest, with permission, or on authority of a search warrant.

In fighting for the national adoption of a uniform arrest law similar to our present Rhode Island arrest law, O. W. Wilson superintendent of the Chicago Police Department cites these reasons:

1. Public peace and security would be increased by enhancing the likelihood of discovering persons seeking an opportunity to attack.
2. The effectiveness of the administration of justice would be increased by facilitating the investigation of suspects, the arrest of criminals, and the collection of admissible evidence. By these means both clearance and conviction rates would be increased.