

"Officer" or "peace officer" is any sheriff or deputy sheriff, mayor or city marshal, constable, police officer, or watchman, or other person authorized to make arrests in a criminal case.

Sources: GS 236:1, GL 254:1, PS 250:1 1941, 163:1, PL 364:1, RL 423:1, 423:20.

NOTE.—This section embraces the definition of "officer" found in RL 422:1.

ANNOTATION

Cited in *Park v. United States* (1924) 294 F. 776.

ARREST

594:2 QUESTIONING AND DETAINING SUSPECTS

(a) A peace officer may stop 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.

(b) Any person questioned as provided in subsection (a) who fails to identify himself and explain his actions to the satisfaction of the peace officer stopping him may be detained and further questioned and investigated.

(c) In no case shall the total period of detention provided for by subsections (a) and (b) exceed 4 hours. Such detention shall not constitute an arrest and shall not be recorded as such in any official record. At the end of any such detention period the person so detained shall be released unless arrested and charged with a crime.

594:3 SEARCHING FOR WEAPONS

A peace officer may search for a dangerous weapon any person whom he is questioning or about to question as provided in section 2, whenever he reasonably believes that he might be in danger if such person possessed a dangerous weapon. If the officer finds a weapon, he may take and keep it until the completion of the questioning, when he shall either return it or arrest the person.

Sources: 1941, 163:3 RL 423:22.

594:4 PERMISSIBLE FORCE

(a) No unnecessary or unreasonable force or means of restraint may be used in detaining or arresting any person.

(b) A peace officer is justified in using force dangerous to human life in making an arrest only when—

(1) The arrest is lawful;

(2) The arrest is on a charge of felony;

(3) There is no other apparently possible means of effecting the arrest; and

(4) The officer has made every reasonably possible effort to advise the person to be arrested that he is a peace officer and is attempting to make an arrest and has reasonable ground to believe that the person is aware of the fact.

Sources: 1941, 163:4 RL 423:23.

ANNOTATION

ANNO: Degree of force that may be employed in arresting one charged with a misdemeanor (3 ALR 1170; 42 ALR 1200).

ANNO: Effect on voluntariness of confession of violence used in making arrest (24 ALR 710).

594:5 RESISTING ARREST

If a person has reasonable ground to believe that he is being arrested and that the arrest is being made by a peace officer, it is his duty to submit to arrest and refrain from using force or any weapon in resisting it regardless of whether there is a legal basis for the arrest.

Sources: 1941, 163:5 RL 423:24.

594:6 AID TO OFFICERS

Every officer in the execution of his office, in a criminal case may require suitable aid; and if any person, when required, shall not give such aid he shall be fined not more than \$10.

Sources: RS 178:12, GS 189:12; GS 236:2, GL 254:2; PS 250:2, PL 264:2, RL 423:2.