

made during such detention was admissible in subsequent criminal proceeding. *Wilson v. State*, 10 Terry 37, 49 Del. 37, 109 A. 2d 381 (1954), Certiorari denied 75 S. Ct. 574, 348, U.S. 983, 99 L. Ed. 765.

Fact that defendant was under arrest at time he made statements to police officers would not, in itself, operate to exclude such statement in subsequent criminal proceeding nor would delay in placing formal charge against defendant necessarily exclude it, but this was circumstance which court and jury should consider in determining whether statement was voluntary. *Id.*

Defendant's arrest upon reasonable suspicion of felony of rape was legal. *Id.*

4. Peace officers, who are

Constables, and thus Delaware Memorial Bridge Guards, known generally to the community as Bridge Police, are "peace officers" within meaning of this section authorizing a "peace officer" to detain for investigation for a period of not in excess of 2 hours any person reasonably suspected of having committed a crime, and at the end of that time either release him or arrest him and charge him with a crime. *De Salvatore v. State*, 163 A. 2d 244 (1960).

5. Reasonable grounds

Where Delaware Memorial Bridge Guards, known generally to the community as Bridge Police, noticed automobile cross grass plot dividing north and south lanes at Route 13 at point where there was no legal crossover, and automobile was then driven by defendant to a parking lot immediately to south of Basin Road overpass and was stopped, and when defendant got out of automobile he appeared unsteady while on his feet and he emitted odor of alcohol, and he fumbled in finding his registration and license, and he admitted having some beer to drink, officers had "reasonable ground to suspect" defendant within meaning of this section permitting a peace officer to stop any person who peace officer has "reasonable ground to suspect" has committed a crime. *De Salvatore v. State*, 162 A-2d 244 (1960).

SEC. 1903. SEARCHING QUESTIONED PERSON FOR WEAPON

A peace officer may search for a dangerous weapon any person whom he has stopped or detained to question as provided in section 1902 of this title, whenever he has reasonable ground to believe that he is in danger if the person possesses 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. The arrest may be for the illegal possession of the weapon.

HISTORY AND SOURCE OF LAW

DERIVATION:

48 Del. Laws, 304. Code 1935, Sec. 5343-C.

1951 AMENDMENT:

48 Del. Laws, Ch. 304, amended Code 1935 by adding these provisions as section 5343-C.

SEC. 1904. PERMISSIBLE FORCE FOR ARREST

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

(b) A peace officer who is making an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall he be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect an arrest.

(c) A peace officer, who has reasonable ground to believe that the person to be arrested has committed a felony, is justified in using such force as may be necessary to effect an arrest, to prevent escape, or to overcome resistance only when—

(1) There is no other apparently possible means of making the arrest or preventing escape; and

(2) The officer has made every reasonable effort to advise the person that he is a peace officer and is making an arrest.

HISTORY AND SOURCE OF LAW

DERIVATION:

48 Del. Laws, Ch. 304. Code 1935, Sec. 5343-D.

1951 AMENDMENT:

48 Del. Laws, Ch. 304, amended Code 1935 by adding these provisions as section 5343-D.