

HISTORY AND SOURCE OF LAW

DERIVATION :

48 Del. Laws, ch. 304. Code 1935, sec. 5343-K.

1951 AMENDMENT :

48 Del. Laws, ch. 304, amended code 1935 by adding these provisions as sec. 5343-K.

NOTES OF DECISIONS

Defendant in custody 1

1. Defendant in custody

In murder prosecution, where defendant was already in prison serving a sentence for another offense when he was taken from the prison to police headquarters for questioning about the homicide, failure of the police to bring the defendant before a magistrate within 24 hours was not a violation of criminal rule 5(a) of the Superior Court Rules and of this section, since they do not apply to a case in which defendant is already in custody. *Garner v. State*, 1 Storey 301, 145 A. 2d 68 (1958).

SEC. 1912. IDENTIFICATION OF WITNESS

Whenever a peace officer has reasonable ground to believe that a crime has been committed, he may stop any person who he has reasonable ground to believe was present thereat and may demand of him his name and address. If the person fails to identify himself to the satisfaction of the officer, he may take the person forthwith before a magistrate. If the person fails to identify himself to the satisfaction of the magistrate, the latter may require him to furnish bond or may commit him to jail until he so identifies himself.

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DERIVATION :

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CITY AND COUNTY OF DENVER,
DEPARTMENT OF POLICE,
Denver, Colo., June 7, 1961.

ROBERT V. MURRAY,
Chief of Police, Metropolitan Police Department,
Government of the District of Columbia,
Washington, D.C.

DEAR SIR: In reply to your letter of April 4, 1961, enclosed please find a brief manual on the laws of arrest in the State of Colorado.

Investigation arrests are permitted in our jurisdiction under a reasonable time rule. The "reasonable time" is dependent upon the type of case and circumstances. Confessions must be voluntary, and the district attorney must prove that the confession was voluntarily given by the defendant without the use of force, threats, promises, or other inducements.

A confession which was voluntarily made is not inadmissible because the defendant was not informed his confession might be used against him, or because he was in police custody at the time, or because there was a delay between the arrest and the time of the confession, or because the defendant was not represented by an attorney, or because his friends and family were not allowed to see him until after the confession, or because he was accused of the crime charged and other offenses. See *Cahill v. People*, III Colo. 29, 38-39.

We are given considerable latitude on length of interrogation. In *Downey v. People*, 121 Colo. 307, at page 318, the Colorado Supreme Court said:

"We hold that the law enforcement officers of the State in their effort to solve a murder case, in the interest of justice, must have a reasonable latitude in arresting and questioning one justifiably suspected of being the murderer, and