CHAPTER 3

1. Judicial guidance on the reasonable suspicion or belief test is provided by *O'Hara v Chief Constable, RUC* [1997] AC 286. Further, important guidance is located in Code A 2.2–2.11.

2. On arrest, the suspect will be cautioned in the following way: ‘You do not have to say anything. But it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say may be given in evidence’, Code C para. 10.

3. The powers to search a person after arrest are contained in s. 32 PACE 1984. The power to search the premises in which a person was at the time of his arrest or immediately before his arrest is also contained in s. 32 PACE 1984. The power to search premises occupied or controlled by a suspect after arrest is contained in s. 18 PACE 1984. Prerequisites apply.

4. The police will apply to a magistrate to search premises under s. 8 PACE 1984 where it is not possible to contact the person who could allow the police to enter premises to search for evidence in connection with an indictable offence.

5. On the facts, the police could stop and search Antonio under s. 1 PACE 1984 provided the officer has reasonable grounds for suspecting Antonio may have on his person a prohibited article. Given the intelligence provided by CCTV operators, reasonable suspicion could easily be established in this case. Based on the
information provided and Antonio’s reaction when approached, the police would have reasonable grounds for suspecting Antonio to have been involved in an offence and that it is necessary to arrest him (s. 24 PACE 1984). Having arrested him and cautioned him, the police officer would be entitled to search Antonio under s. 32 PACE 1984 if he had reasonable grounds for believing Antonio may have evidence on him relating to an offence. The officer may choose to take Antonio into custody or possibly release him on ‘street bail’.

6. A suggested solution can be found in the answers to the self-test questions supporting Chapter 6.