



CITIZEN CORNER

A CIRCULAR BY POLICE CIVILIAN OVERSIGHT AUTHORITY

WHAT IS REASONABLE SUSPICION AND TEST FOR ARREST?

An arrest can be made: **with a warrant; or without a warrant**.

YES! Although the law provides for anyone to arrest a person with a warrant, the law also allows for a person to be arrested **WITHOUT a WARRANT** if the person has committed a criminal offence, or if the person is about to commit an offence.

HOWEVER, the law allows **only a member of the Jamaican Constabulary Force (JCF)** to arrest a person without a warrant, where that person is about to commit **any offence**.

How is Reasonable Suspicion established?

The Constitution of Jamaica requires that there must be **reasonable suspicion** in order to make a lawful arrest without a warrant.

“*Reasonable Suspicion*” looks on the facts as they appear at the time of the arrest.

To prove Reasonable Suspicion, an ordinary person

commit an offence or had already done so. The ordinary person should look on the facts



without bias or prejudice.

In other words, Reasonable Suspicion must be based on the following:

- The information and evidence at the time that led to the arrest; and

- The honest belief that an offence had been committed or was about to be committed.

Even if the offence for which a person was arrested turns out to be wrong, the law protects the police from being taken to court, once they can prove that a person was arrested based on Reasonable Suspicion.

The arrest is still **LAWFUL** even if the offence for which a person was arrested turned out to be incorrect. **BUT,** if the arrest cannot be proven to be based on reasonable suspicion, the arrest will then be deemed **UNLAWFUL**.

Remember, a lawful **arrest without a warrant** must be done based on **Reasonable Suspicion**. This happens where it is reasonably believed that a person is about to commit an offence or where a person already committed an offence.