

Overhead: Reasonable Cause for Arrest

The police cannot arrest anyone without evidence of a crime. Nor can the police arrest or punish people just because they dislike something about them or the way they look. The police do not have the power to arrest people on discriminatory grounds such as race, colour, religion, disability, sex, sexual orientation, or age.

To arrest someone, the police need reasonable and probable grounds to believe that a person has committed or is about to commit an indictable (serious) offence. Reasonable grounds mean that the police officer has a strong suspicion—and some evidence to back-up the suspicion—that a crime was or will be committed. The officer can then arrest and search the person for further evidence.

Scenario

A police officer on patrol sees a red-faced young man in jogging shoes running down the street.

Does the officer have the right to arrest the young person?

No. There is no evidence a crime has been committed.

But then... An elderly man points at the red-faced young man and shouts “He stole my wallet!” There is a wallet in the young man’s hand.

Does the officer now have reasonable grounds to arrest the young person?

Yes. There is some evidence which suggests an offence may have been committed.