



# Citizen Arrest

The law regarding citizen's arrest is extremely complicated, changeable and open to interpretation. The law regarding citizen's arrest is under Section 24A of Police and Criminal Evidence Act 1984.

## Section 24A Police and Criminal Evidence Act 1984 says:

Arrest without warrant: other persons

- (1) A person other than a constable may arrest without a warrant—
  - (a) Anyone who is in the act of committing an indictable offence;
  - (b) Anyone whom he has reasonable grounds for suspecting to be committing an indictable offence.
- (2) Where an indictable offence has been committed, a person other than a constable may arrest without a warrant—
  - (a) Anyone who is guilty of the offence;
  - (b) Anyone whom he has reasonable grounds for suspecting to be guilty of it.
- (3) But the power of summary arrest conferred by subsection (1) or (2) is exercisable only if—
  - (a) The person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in subsection (4) it is necessary to arrest the person in question; and
  - (b) It appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.
- (4) The reasons are to prevent the person in question—
  - (a) Causing physical injury to himself or any other person;
  - (b) Suffering physical injury;
  - (c) Causing loss of or damage to property; or
  - (d) Making off before a constable can assume responsibility for him.

## Indictable Offences

It can be difficult to assess whether an offence is indictable in the heat of the moment, so any person who is contemplating making a citizen's arrest ought to carefully assess the situation beforehand. Indictable offences can be tried at Crown Court and include theft, burglary and criminal damage.

## Making a citizen's arrest

Although there are no definite instructions on how to make a citizen's arrest, there are several things to bear in mind:

- You must inform the person what you are doing as soon as is reasonably possible;
- You must tell them why you are arresting them as soon as is reasonably possible;
- You must tell the person what offence you believe they have committed;
- You must use **reasonable force** when arresting the person.

Once the arrest has been made, the person must be taken to a Magistrate or police station or else the arrest will not be valid in the eyes of the law. You will be required to make a statement and, if the person is tried in court, you may be required to act as a witness in court.

## Other considerations

First and foremost, one should always be careful not to put others or oneself in danger. If this is the case, **call 999**. The legal issues relating to citizen's arrest are very complicated, not least because of the provisions that the person making the arrest must comply with undefined 'reasonable' parameters of conduct. Just what constitutes 'reasonable suspicion' and 'reasonable force' are questions that can take a great deal of discussion in court and to be aware of these provisions at the time of making an arrest is extremely hard to do. Although the courts do look favourably upon people with a keen sense of public spirit and aim to uphold their rights, it is possible for a person to be sued for unlawful arrest or face civil litigation if a citizen's arrest goes wrong.