Search After Arrest
Sec 32 PACE 1984

Searching & Seizure Powers

PACE 1984 – Appropriate Legislation:

- Sec 32(2)(a) Search Person After Arrest.
- Sec 32(8) Seizure of items causing injury.
- Sec 32(9) Seizure Items to Escape/Evidence.
- Sec 32(2)(b) Search Premises After Arrest.
- Sec 19 PACE Seizure of Evidence.
- Sec 22 PACE Retention of Property.

Sec 32 PACE - Search After Arrest

A constable is given power to search an individual after arrest – Not to be mistaken with the Power to Search persons NOT under arrest under Section 1 PACE 1984.

The protocols and guidance for searching persons in particular in 'Public View' are similar to those outlined within Section 1.

Using Sec 32 PACE requires NO Search Record to be completed, although details would be recorded as part of the arresting officers Pocket Note Book Entry.
Section 32 (2)(a) - Search Person Under Arrest

A constable may search an arrested person in any case where the person to be searched has been arrested at a place other than a police station if the constable has reasonable grounds for believing that the arrested person may have implements that are:

D anger to self or others
I mplement to escape
E vidence of any offence.

JOG – Sec 32(4) PACE

Clothing that can be removed whilst searching someone in public view:

J acket
O uter coat
G loves

Can remove more out of public view
Can search inside mouth.

Restriction on Power to Search Person

Sec 32 (3) PACE

The power to search conferred by subsection (2) above (which includes Persons & Premises) is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.
Restriction on Power to Search Person

Sec 32 (5) PACE
A constable may not search a person in the exercise of the power conferred by subsection (2)(a) above unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that paragraph. (ie:-DIE)

Seizure of Items Sec 32 - Person

Sec 32 (8) PACE
A constable searching a person in the exercise of the power conferred by subsection (1) above may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.

Seizure of Evidence - Sec 32 - Person

Sec 32 (9) PACE
A constable searching a person in the exercise of the power conferred by subsection (2)(a) above may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing—

- That he might use it to assist him to escape from lawful custody; or
- That it is evidence of an offence or has been obtained in consequence of the commission of an offence.
PACE 1984 - Searching Premises

Sec 32 (2)(b) PACE

Gives Power for officers to search Premises when an individual is arrested with some points to note:

- Premises can only be searched if the arrest is for an **INDICTABLE OFFENCE**.
- Premises can only be searched for evidence relating to the **offence** for which they have been **arrested**.

PACE 1984 - Searching Premises

**Section 32(2)(b) – Search Premises on Arrest**

Where person arrested, (other than at a police Station), for **Indictable Offence** to enter and search any premises in which he was **when arrested** or **immediately before** he was arrested:

For **EVIDENCE** relating to the **offence** for which they were arrested.

Includes common shared areas of that premises.

Restriction on Sec 32 Power to Search Premises

**Sec 32 (6) PACE**

A constable may not search premises in the exercise of the power conferred by subsection (2)(b) above unless he has **reasonable grounds for believing** that there is **evidence** for which a search is permitted under that paragraph on the premises.
PACE 1984 - Searching Premises

Sec 19 – General Power of Seizure

A constable lawfully ON PREMISES may seize anything which is on the premises if he has reasonable grounds for believing;

➢ That it has been obtained in consequence of the commission of an offence or,

➢ That it is evidence in relation to an offence which he is investigating or any other offence,

Continued...

PACE 1984 - Searching Premises

Sec 19 – General Power of Seizure

Officer may seize items that are not subject of ‘Legal Privilege’, to prevent them being:-

- Concealed
- Lost
- Altered
- Damaged
- Destroyed

PACE 1984 – Sec 22 Retention of Property

Sec 22 – Power of Retention

Items seized may be retained for as long as necessary in all the circumstances

For Example:-

➢ Evidence for trial
➢ Forensic examination
➢ For the investigation of an offence
➢ To establish the lawful owner: where there are grounds to believe it has been obtained by commission of an offence.
Searching After Arrest

Conclusion

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