

Probable Cause

Vampire Squad Training Bulletin

Written by Officer C. Mason



General Information

- The highest level of contact an officer can make.
- An officer can make a warrant-less arrest with PC.

Definition of Probable Cause

- The officer's knowledge
- Of facts and circumstances
- Based on reasonably trustworthy information
- Sufficient to warrant a prudent man or woman
- To believe the suspect committed the offense

Probable Cause Explained

- An officer need not have information
- Which excludes every conceivable possibility of innocence.

- It must appear to the officer that it is at least
- More probable than not that a crime has taken place
- And the one arrested is the perpetrator.

Probable Cause Explained

- The probable cause standard does not have a precise definition
- Because it deals with individual facts and circumstances
- Collected into totality of circumstances.

Identification Required for Probable Cause

- An officer must be sure that the description of a suspect
- Is sufficiently detailed before making an arrest.

- If the description is too vague or general
- The officer must refrain from making the arrest.
- He should ask the suspect certain questions or
- Keep the person under surveillance.

Identification Required for Probable Cause

- Law Enforcement officers receive information from many sources which will constitute PC.
- These include:
 - Personal observations
 - The victim of the crime
 - A police officer can rely on a citizen
 - Who is not a victim of a crime
 - To provide information which will constitute PC

Identification Required for Probable Cause

- If the victim is not %100 sure the suspect is the
- One who committed the crime
- The officer does not have PC.

Informants

- When a police officer relies upon a confidential informant (CI) for information
- There are certain points the officer must keep in mind.
- Before the courts will find PC based on the CI's information
- The officer must be sure the information is:
 - Reliable
 - And the CI has the basis of knowledge.

Informants

- In order to establish reliability an officer should determine any of the following:
- Did the CI come forward with reliable information before?
- Is CI making a declaration against his penal interest?
- Can officer confirm details of CI's story?

Informants

- In order to establish CI's basis of knowledge officer should determine any of the following:
- Did the CI speak from personal knowledge?
- Did the officer observe conduct directly involving
- Criminal activity described by CI?

Informants

- If both reliability and basis of knowledge can be established by the officer, PC for an arrest will exist.

Fellow Officer Rule (FOR)

- If an officer has information amounting to PC
 - He can communicate this PC to another officer.
 - The receiving officer can assume the information
 - Is reliable and accurate.
 - This gives the receiving officer the PC to make the arrest.
-
- The FOR pertains to misdemeanor and felony offenses.

Questions??
