**PROBABLE CAUSE**

*Definition: Facts or circumstances that would lead a reasonable person to believe that a crime has been, is being, or will be committed by a particular individual.*

Probable cause is the constitutional standard that must be met to affect an arrest, search and seizure or to secure the issuance of search and arrest warrants under the 4th Amendment. To pass Constitutional scrutiny, those police actions must pass the Two-Prong test for probable cause:

1) **Basis of knowledge** and
2) **Veracity or Reliability** of a witness.

### The Two-Prong Test

For establishing probable cause based on hearsay

1) **Basis of Knowledge Prong**
   
   A. Ask – “*How do you know?*”

   1. The response must be personal to satisfy this prong
   
   B. Information provides future predictive details
   
   C. Information is subject to independent police corroboration

2) **Veracity/Reliability Prong**

   Sources imparting information to police:

   A. Victim - *Inherently reliable*
   
   B. Known Witness - *Inherently reliable*
   
   C. Bystander Witness - *Inherently reliable*
   
   D. POLICE OFFICER - *INHERENTLY RELIABLE*
   
   E. Confidential Informant - *Inherently suspect* (CIs need to have their veracity demonstrated by providing information that leads to one of the following):

   1. Arrest & conviction
   
   2. Arrest & seizure of evidenced
   
   3. Arrest & location of wanted suspect
   
   4. Arrest & federal indictment
   
   5. Future predictive details

   a. Reliability for first timers

   6. Independent police corroboration

   a. Reliability for first timers