



# Dennis-Yarmouth Regional High School

## POLICE SERVICES UNIT

*A Joint Unit of the Yarmouth Police & Dennis Police Departments*

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### 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 4<sup>th</sup> 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