

The Probable Cause Continuum

PROBABLE CAUSE - A reasonable belief that a person has committed a crime. The test courts employ to determine whether probable cause existed for purposes of arrest is whether facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime. In terms of seizure of items, probable cause merely requires that the facts available to the officer warrants a "man of reasonable caution" to conclude that certain items may be contraband or stolen property or useful as evidence of a crime. For practical purposes, it is easiest to say that probable cause is required whenever the Fourth Amendment applies, or whenever there is a reasonable expectation of privacy in the thing to be searched or seized. Probable cause is always required prior to making an arrest or to search and seize. However, probable cause is a matter of judgment and opinion. Hundreds of cases come before courts in which probable cause is challenged. Let's see if we can visualize just exactly what probable cause is.

