

## 14-18 - Importance of the Initial Reasonable Suspicion

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Los Angeles County Sheriff's Department

### NEWSLETTER

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#### IMPORTANCE OF THE INITIAL REASONABLE SUSPICION

As a law enforcement officer in the field, the initial observation of suspicious behavior is a crucial one. It may cause a reasonable officer to form the reasonable conclusion that a crime is about to be committed, is being committed, or has been committed and the person observed is either part of the crime or committing it. The legal term for this is commonly referred to as "Reasonable Suspicion."

An investigation usually commences in the form of a traffic or pedestrian stop to ascertain if a crime has or has not been committed. The detention can lead to the discovery of evidence resulting in probable cause for an arrest. After the arrest, the officer can find additional evidence to the crime of arrest or discover evidence of other offenses committed by the same suspect.

In recent case reviews involving uses of force, pursuits, and officer-involved shootings, facts involving the initial observation were not always included in the criminal complaint report. Ultimately, the entire case was scrutinized because the reason to initially stop, detain, or search was not mentioned or clear.

**Example:** A patrol deputy observed a reckless driver swerving all over the road, nearly missing several vehicles and pedestrians. The deputy went in pursuit of what he/she believed to be a reckless drunk driver. The pursuit ended as the suspect collided with another vehicle on the road. The suspect was arrested for felony narcotics charges, along with illegal weapons charges. The injured suspect was medically treated for his/her injuries and booked for the indicated charges. The arresting officer found and booked evidence for the crimes he/she charged the suspect with but never investigated the Driving Under the Influence (DUI).

The initial reasonable suspicion of the DUI is what led the officer to ultimately arrest the suspect for the felony offenses. The arresting officer never attempted field sobriety tests, never obtained a blood sample of the suspect at the hospital, and never documented the suspect's impaired behavior. If challenged, the suspect could have the fruits of the detention or stop determined inadmissible in court, therefore, evading prosecution

for the felonies based on a lack of evidence for the initial reasonable suspicion.

**BOTTOMLINE:** Initial observations and probable cause that lead you to detain or arrest need to be clearly identified in the criminal complaint report. Include your initial observations in your reports and **follow up** on your initial reasonable suspicion to set a solid base for any subsequent legal action.

Information regarding the content of this newsletter may be directed to Field Operations Support Services.

### Reference

California Peace Officer's Legal Resource Book, 2014, Chapter 2, Section A.

California Peace Officer's Legal Resource Book, 2014, Chapter 3, Section A.

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