21-16 - Reasonable Cause Arrests

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

REASONABLE CAUSE ARRESTS

PURPOSE

The purpose of this newsletter is to remind deputies of the necessary elements and correct reporting procedures for reasonable cause arrests.

BACKGROUND

California Penal Code section 836 allows peace officers to make arrests when the officer has probable cause to believe the person being arrested has committed a felony, whether or not a felony, in fact, has been committed. The Penal Code also allows peace officers to make misdemeanor arrests if there is probable cause to believe a misdemeanor has occurred in the officer's presence. Exceptions to the misdemeanors not committed in an officer's presence rule include:

- Juvenile arrests;
- Domestic violence;
- Violating a served domestic violence restraining order;
- Assault on an elderly person over the age of 65 by a blood relative or legal guardian;
- Assault on a working firefighter or Emergency Medical Technician (EMT);
- Assault at a school when it is in session;
- Carrying a loaded gun in public;
- Carrying a concealed firearm in an airport; and
- Driving Under the Influence (DUI): in some cases, where you did not see the suspect driving.

Reasonable cause and probable cause are identical in meaning, *People v. Memro (1995) 11 Cal.4th 786,*

843. Both of those terms apply to arrests. Reasonable suspicion is different as it is the legal requirement for a detention or investigative stop.

Reasonable Suspicion = Detention

For a detention or investigative stop to be valid, a peace officer must be able to articulate specific facts supporting their reasonable suspicion of:

- The possibility of criminal activity; and
- The person detained is somehow connected to that possible criminal activity.

Deputies may not conduct a non-consensual investigative stop or detention based solely on a hunch, intuition, instinct, or curiosity.

Probable Cause/Reasonable Cause = Arrest

A peace officer has probable cause or reasonable cause to arrest when, under the totality of the circumstances, they have a strong and honest suspicion the suspect is guilty of a crime. Deputies must be able to articulate specific facts showing:

- Unusual or suspicious activity related to a criminal act;
- The suspect being arrested is directly involved in that criminal act; and
- There is sufficient probability the person being arrested has committed that crime.

It is important to acknowledge that certainty of guilt is not necessary to establish probable cause. A strong and honest suspicion is sufficient.

Typically, deputies identify a victim in order to establish a completed crime. However, deputies can also establish reasonable cause or probable cause for an arrest without knowing a specific victim's identity. Here are some examples:

Example #1

A deputy stops a driver for a Vehicle Code infraction and discovers the driver has a suspended license. The deputy has the car legally towed as a traffic hazard. During the inventory of the vehicle, the deputy discovers a Halloween mask, a firearm, and several bank bags full of money from various banks. The deputy is not aware of any recent bank robberies. The deputy, however, has sufficient reasonable cause for a robbery arrest.

Example #2

During a late-night pedestrian stop of a known parolee, a deputy recovers several pieces of unopened mail from the parolee's possession. The unopened mail is addressed to people other than the parolee. The parolee also has several burglary tools in their possession. The deputy has reasonable cause for a mail theft arrest, even if they are not certain the mail is actually stolen.

Report Writing

Deputies making a reasonable cause arrest shall use one of the 60x statistical codes. The Complaint ("C") line of a criminal report should read "REASONABLE CAUSE," crime, statute number, charge level, and a 60x statistical code.

After making a reasonable cause arrest, deputies need only list the crime for which they arrested the suspect on the citation. It is not necessary to write "probable cause arrest" or "reasonable cause arrest" on the citation.

Deputies should document all attempts to locate victims, witnesses, and evidence supporting the reasonable cause arrest in their reports. Detectives doing follow-up investigations will be under time constraints when attempting to locate additional evidence, witnesses, and victims. Victims may be listed as "unknown" on the face page.

If you require further information, contact Field Operations Support Services at [REDACTED TEXT]