



San Diego County

SHERIFF

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TRAINING BULLETIN

Reasonable Suspicion & Probable Cause on Jail Grounds

When any person enters jail grounds, their person, property, and vehicle are subject to search. Though some aspects of the 4th Amendment do not apply when entering jail grounds, sworn staff should still ensure all contacts with any person are done so safely, while also respecting the person's inherent rights. Sworn staff must understand the basic requirements when determining a consensual or another contact, detention and arrest.

Consensual Contact

The law does not prohibit an officer from approaching any person in a public place and engaging that person in uncoerced conversation. It is a general rule that any peace officer may approach and contact any person in public, or anywhere else the officer has a legal right to be and engage that person in conversation (*Wilson v. Superior Court* (1983) 34 Cal.3d 777). During a consensual contact, sworn staff should make every attempt to gain consent. Gaining consent can allow a detention without reasonable suspicion and a search without probable cause.

Sworn staff gaining consent must remember, consent can be withdrawn at any time, even mid-search. Anyone on jail grounds must be given an opportunity to leave unless there is reasonable suspicion to detain or probable cause to arrest (Cates v. Stroud (2020) 976 F.3d 972).

Detention

A legal detention requires reasonable suspicion of criminal activity and causes a reasonable person to believe they are not free to leave.

Reasonable suspicion:

- Can be based on witnesses, observation, or training.
- Time of day, driving behaviors, and actions (i.e., attempting to hide something)
- Can pat down as long you have articulable reasons to believe a WEAPON is present (i.e., bulge in pocket, and knowledge of subject)

Detention plus movement can elevate an encounter to an arrest.



Arrest

An arrest is a full seizure of a person's liberty, and their 4th Amendment rights. A police officer may arrest without a warrant a person believed by the officer upon "probable" cause to have been guilty of a crime.

Probable Cause

Probable Cause is the minimum required standard to effect a warrantless arrest. Probable Cause is based on a peace officer's belief that a person has committed a crime and is established through factual articulable evidence. The requirement to reach Probable Cause does not need to reach the level of proof beyond a reasonable doubt.

Examples of Probable Cause on Jail grounds:

- While walking through the jail parking lot a deputy peers through the window of an unoccupied vehicle and sees a glass pipe with a burnt bulbous end containing white residue sitting on the front driver's seat.
- While the K-9 Deputy and their K-9 partner are walking through the jail parking lot, the K-9 alerts the K-9 Deputy on an unoccupied vehicle. The K-9 is trained to alert on methamphetamine, cocaine, fentanyl, and heroin. The K-9 Deputy notifies you the K-9 alerted on the unoccupied vehicle, and you conduct a probable cause search.

As peace officers, we have a duty to maintain the safety, security, and integrity of our facilities. Staying current with case law and policy changes will help us protect ourselves, the public trust, and our organizational values.