

U.S. Supreme Court Clarifies Probable Cause Standard for Warrantless Arrests

02.02.2018

Peace officers frequently receive contradictory accounts of an incident from witnesses, victims, and suspects, which can complicate officers' determination of whether probable cause to arrest exists. The United States Supreme Court has now clarified the probable cause standard and held that officers are not required to rule out a suspect's innocent explanation before making an arrest based on the totality of the circumstances.

In *District of Columbia v. Wesby*, police officers responded to a loud, late night party at a residence known to be unoccupied. Inside the residence, they saw beer bottles, smelled marijuana, and noticed a makeshift strip club in the living room. Several partygoers scattered into other parts of the home when they saw the officers. Some partygoers said that they had been invited to a bachelor party at the house, but could not name the person who invited them. A few said that a woman they knew rented the house and had given them permission to enter the property. The officers contacted that woman by phone, and she admitted that she did not have permission to use the house. The officers then arrested the partygoers for unlawful entry and some of those arrested sued for false arrest.

The key issue in the case was whether the officers had probable cause to make the warrantless arrests even though some of the suspects offered an innocent explanation for being in the home. The Supreme Court stated that probable cause requires a "totality of the circumstances" analysis, meaning that facts in a particular scenario cannot be examined in isolation. The Court also stressed that facts that support probable cause cannot be dismissed simply because of a suspect's exculpatory explanation. Based on the vacant condition of the home, the conduct of the partygoers, and the vague and inconsistent explanations offered, the officers had probable cause to arrest the partygoers for unlawful entry based on "common sense conclusions." The Court also held the officers were entitled to qualified immunity for the arrests.

For more information on *Wesby*, probable cause issues or police practices in general, please contact **Robert Cecon**, **Jennifer Petrusis**, or **Marvin Bonilla**.

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