Probable cause, reasonable suspicion, and hearsay

But predictive policing & discrimination are not the only issues raised by anonymous tips for traffic stops, this also raises questions about the line between probable cause and reasonable suspicion standard. Probable Cause and reasonable suspicion are 2 different standards but owing to the fact that courts sometimes confuse them the line between the two standards tends to somewhat blur. For example Erlinder discusses how different tests for corroboration or anonymous tips have been applied to create a complex legal framework.\(^1\) But because it used reasonable suspicion language in what should have been probably cause cases, Kinpots argued that the supreme court did not risk melding the two standards.\(^2\)

The court in Navarette analagized to evidence law; the Court stressed that courts generally credit the proposition that statements about an event and “made soon after perceiving that event are especially trustworthy because “substantial contemproaneity of event and statement negate the likelihood of deliberate and conscious misrepresentation.”\(^3\)

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has also been suggested by legal scholars that whether a reported crime is ongoing or finished make a different to reliability of a anonymous tip. Argument also that anonymous tips test the line between subjective and objective standards in 4th amendment jurisprudence particularly when considering “the extent to which a particular police officer’s training and experience ought to be considered when measuring probable cause or reasonable suspicion” as well as the “relevance of the officer’s subjective beliefs about the presence of weapons in assessing the reasonable suspicion required to justify a frisk.” These arguments may relate to the Fed. R. of Evidence 803, which states, “The following situations are not excluded by the Rule against Hearsay, regardless of whether the declarant is available as a witness: (1) Present Sense Impression. A statement describing an event or condition, made while or immediately after the declarant perceived it. (2) Excited Utterance. A statement relating to a startling event or condition, made while the declarant was under stress of excitement that it caused.”

6 Federal Rule of Evidence 803.