U.S. Customs and Border Protection

LAW BULLETIN

for

BORDER PATROL AGENTS

SAN DIEGO SECTOR

2012
Residual suspicion may not be based in whole or in part on Hispanic appearance, nor may it be based solely upon an anonymous tip or vehicle profile. “Reasonable suspicion” may be based on the totality of circumstances including suspicious behavior, nervous demeanor or reaction as described by specific facts, corroborated tips regarding alien smuggling or other “criminal activity” (see p. 14), an officer’s experience regarding the time, place, traffic, or behavior patterns in the area in which the suspicious activity is observed, physical evidence linking the subject to a recent illegal border crossing, etc. A subject’s “bad attitude” or refusal to answer questions, without more, does not constitute “reasonable suspicion” and does not justify “detention” (see p. 23).